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THE

HISTORY OF OLD DUNDEE,

NARRATED OUT OF THE TOWN COUNCIL REGISTER,

WITH ADDITIONS FROM CONTEMPORARY ANNALS.

BY

ALEXANDER MAXWELL, F.S.A.Scot.

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DUNDEE:
WILLIAM KIDD, PRINTER.

TO THE

Provost, Magistrates, and Councillors

OF THE ROYAL BURGH OF DUNDEE,

THIS HISTORY OF THE TOWN,

AND OF ITS GOVERNMENT BY THEIR PREDECESSORS

IN OLDEN TIMES,

IS RESPECTFULLY DEDICATED.

Bring nobyll dedis of mony yeris gone,
  Als fresche and recent to our memorie
As thay war bot into our dayis done;
  That nobyll men may haif baith laude and glorie
  For thair excellent brut of victorie.

JOHN BELLENDEN.

In building walles, they barbarous rites disdain'd,
  The sweetnesse of society to finde,
And to attayne what unity maintain'd,
  As peace, religion, and a vertuous minde;
That so they might have restlesse humours rayn'd,
  They straight with lawes their liberty confin'd;
And of the better sort the best preferr'd,
To chastise them against the lawes that err'd.

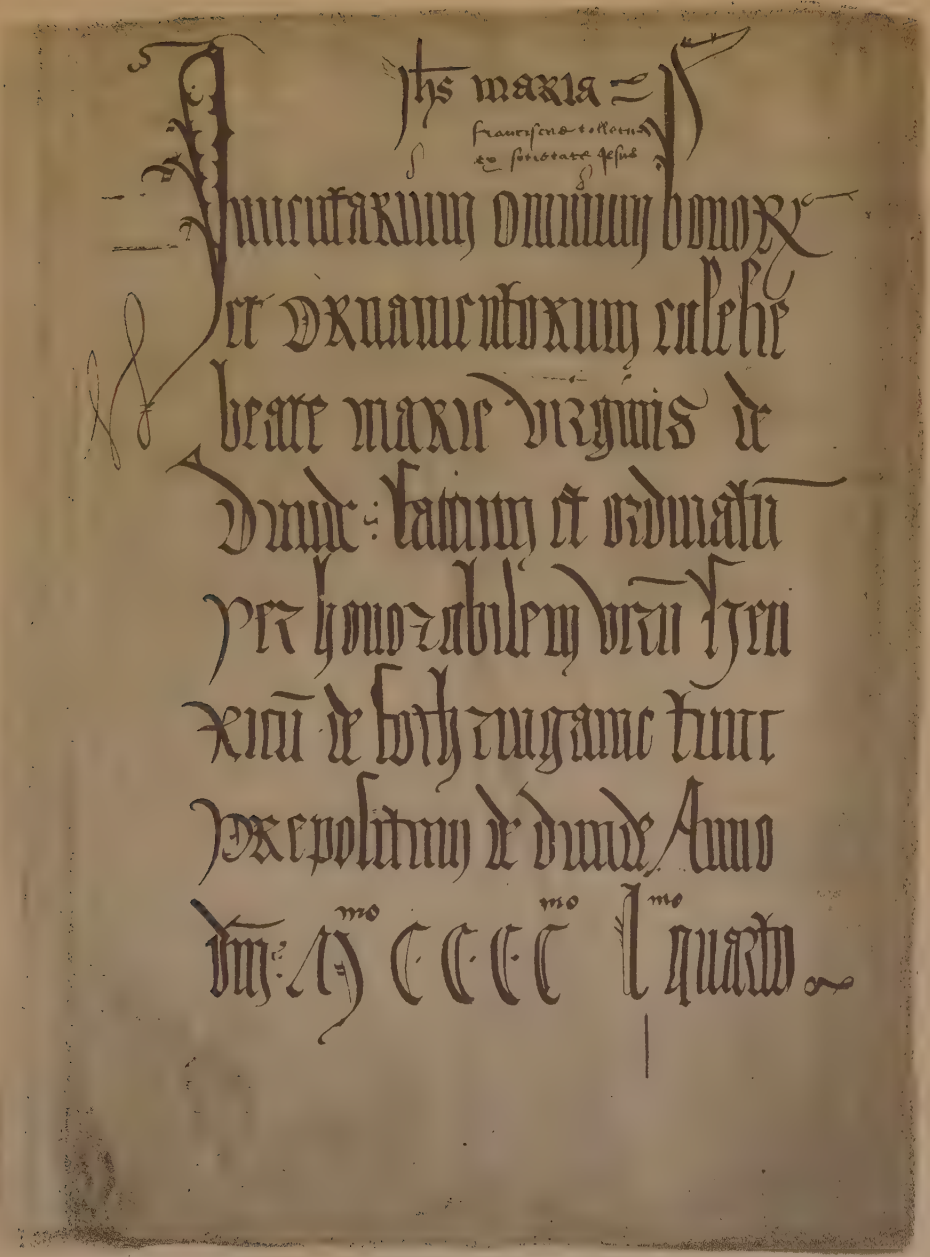
EARL OF STIRLING.

G.B. Oliver, Sc. W. Rid.d

TOWER OF St MARY'S CHURCH, DUNDEE.

AS IT STOOD AFTER THE DEMOLITION OF THE NAVE. FROM THE SOUTH-EAST.

Drawn from prints by Meffin and W Crawford.



William Kidd, Dundee

TITLE OF THE BOOK OF THE CHURCH.

IN REDUCED FAC-SIMILE

PREFACE.

The materials for the History of Dundee, contained in the earliest Town Council records, are known to be so copious and interesting that it has always been a subject of regret that none of our industrious local historians have thoroughly examined them, and presented the result to the public. I first had an opportunity of judging their value about ten years ago, when I prepared from them some lectures upon the Municipal and Social Life of Old Dundee. The subject having excited some attention, I was led to consider it more closely, and became so interested in the old records as to be easily influenced by the persuasion of friends, in especial by the late Bishop Forbes, to devote my leisure to the examination of them, and to the production of this work. Mr. Hay, the town clerk, to whom we are indebted for the publication of the interesting "Charters and Writs of the Burgh," most courteously afforded me all facilities for prosecuting the undertaking, and not only gave me access to the valuable records in the town's archives, but also placed in my hands a careful transcript of the earliest volumes of the Burgh Register, which was made under the supervision of his predecessor, Mr. Kerr. These volumes have evidently been at one time subjected to rough usage, and some portions are wanting. The earliest date is 2d October, 1553. There is a blank from July 1570, to September 1579; and another from October 1582, to March 1587. In rebinding the first three, probably within the last forty years, many of

the loose leaves have been wrongly arranged, which makes it somewhat difficult to follow the entries in their proper order. The volumes are now in good condition. The writing is beautifully executed, and, although in part much faded, it is on the whole so legible that the transcription has been made with great accuracy.

I at first proposed to print the records chronologically, as has been done with those of some other burghs, but a careful consideration convinced me that this would not be a very satisfactory arrangement, as many of them are short, detached, and intermixed references, which could hardly prove intelligible, and would not be of special historical interest, unless those relating to each other were conjoined in regular sequence. The method which I then adopted of condensing the materials into separate articles, arranged, with marginal dates, in a narrative form, implied a considerable amount of labour, but I felt that this should not be grudged if it would have the effect of developing their proper meaning and realising their full value. I have found in contemporary annals—in the Acts of the Scottish Parliament, especially in that portion of them which was lately printed from the volumes found in the London State Paper Office, in the recently published volumes of the Register of the Privy Council, and in other historical authorities, general and local—many references to the burgh which throw light upon its history and records, and have embodied them also in the narrative; and I have printed in the appendix some interesting and important additions derived from original documents. It has been my endeavour to retain as far as possible the quaint and pithy language of the old writings, but I have considerably modernised the spelling—this being so irregular as to be frequently confusing—excepting in the case of words of antiquarian or philological interest, which I have invariably printed as they are written, giving explanation of their meanings in notes, when such seemed necessary.

Besides the important service which Mr. Hay has rendered me in

the prosecution of the work, I have received assistance from other friends, which I desire to acknowledge, especially from the Rev. Walter Macleod, the Rev. R. R. Lingard Guthrie, Mr. William Blades, Mr. Henry Foley, Mr. Patrick Anderson, and Mr. Alexander C. Lamb; also from those two intelligent antiquaries whose deaths the public have lately deplored—Mr. James Neish of Laws, and Mr. James Duff, our venerable townsman.

The century over which the municipal records used in this volume extend, was a time of peculiar interest in the history and social development of our country, and it was followed by a period equally productive of important results. It would be instructive to trace the vicissitudes and progress of Dundee down through this later time. What I have already done, however unworthy it may be of the subject, or short of my endeavour, has at least been undertaken without prejudice, and prosecuted with earnest care; and if it should be found to have fulfilled in some respects the proper purposes of a local history, I shall feel myself encouraged to proceed with the congenial task.

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THE

HISTORY OF OLD DUNDEE.

INTRODUCTORY.

The energy and the success with which Dundee has in recent times followed industrial and trading pursuits, have placed it in a good position among commercial communities, while the intelligent spirit which has usually marked its progress, and the liberal use to which much of its wealth has been put, have entitled it to some distinction. But the town possesses other and older claims to regard, for it has borne a characteristic and not unimportant part in events of great national concern, in especial at the time when genial civil order began to replace rude and arbitrary power, and when the individual obtained the right to reasonable liberty of action and broad freedom of conscience. In the contests which led to these results, and during the perils through which the issues were established, the municipal annals show that the burgesses held a notable and an honourable place; and although the intellectual growth and forwardness of modern times have encouraged us to undervalue the labours of the past, and to assume that this is alone the age of progress, yet we must own that these men in their day did good and faithful service in helping onward the great work. Besides matters of general import, the records present to us much that may help to illustrate the system of paternal rule within the burgh, and the process by which domestic institutions became established, and afford us an instructive glimpse into the manner of the inner life of the people and their social habits, which, although

only the common circumstances of a ruder and simpler time, cannot fail to have a present and constant human interest.

Dundee has a very pleasant situation upon a declivity fronting the broad estuary of the Tay, at the southern margin of Forfarshire. In the sixteenth century its population did not probably exceed eleven thousand, and the houses only covered the slopes behind and around the harbour, and did not extend farther north than the little inner valley in front of the acclivity of the Law, where a burn flowed eastward by verdant and well-wooded haughs. The town then consisted mainly of four principal streets, built in irregular lines, and converging into the central oblong square called the Market Gait; besides a number of lanes joining these streets and others leading down to the harbour. The houses were built of stone, those to the main streets having usually wooden fronts which stood forward from the walls, and formed on the ground floor open piazzas, used sometimes only for entrance porches, but ordinarily either as booths for traders or workshops for craftsmen. Although the buildings were mostly of a mean character, many of those belonging to well-to-do burgesses were massive and substantial, and had the diversified outlines, the turret stairs, the high-pitched roofs, and the crow-stepped gables which at an early period characterised domestic architecture in Scotland; while internally they were decorated with panelled walls, arched doorways, and sculptured chimney-pieces, and possessed many comforts and conveniences. Several such residences have recently been cast down which must have stood for at least three centuries.

The ecclesiastical edifices within the burgh previous to the time of the Reformation were both numerous and important. The Monastery of the Gray Friars, or Friars Minors, stood upon the ground which is now the Howff; and that of the Black Friars was near it on the west side of the Friar Wynd. The house of the Trinity Friars occupied the Monk's Holm, at the river side, westward from Yeaman Shore; and the Convent of Gray Sisters stood upon ground between Bank Street and the Overgate. Of the lesser churches, St. Paul's was at the south side of the west end of the broad of the Murraygate, and St. Clement's was behind where the Townhouse is now; besides which a considerable number of small chapels stood in different localities throughout the town.

The principal church was a magnificent building dedicated to St. Mary. According to a fairly verified tradition, an earlier edifice which occupied its place, was erected by David, Earl of Huntingdon, at the end of the twelfth century; but this had been of much less size and grandeur than the one reared two centuries later, of which there now remains only the stately western tower.

The district around Dundee is of a most pleasing and diversified character, and possesses features of much natural beauty and associations of some historical interest. From the summit of the insulated conical hill called the Law, the base of which forms the background of the town, the surrounding localities are presented as a series of varied pictures. Eastward, where the sea beats upon the sandhills and the links of Barrie, the eye is carried north by a succession of ridges—one of them bearing the sculptured Cross of Camus, and another—the Laws—having around it a wonderful pre-historic stronghold, and is led along to where the stately house of Panmure lies in broad and well-wooded demesnes, and rests on the interesting tower of Auchenleck, standing engirt with great trees, a high and weatherworn landmark. Then there is the whole stretch of the sylvan valley through which the Dighty flows amidst diverse fair scenes. Near the mouth of the stream lies the house of Grange, where Montrose is said to have well nigh got out of his captors' hands and escaped the gallows tree. Farther up is Linlathen, the home of Thomas Erskine, where, under the shadow of patriarchal trees, that goodly man loved to meditate upon high thoughts, and where his rugged friend, Thomas Carlyle, had some refreshing and peaceful days which he never forgot; Pitkerro, an old house in a pleasant place, "extraordinarily well planted;" Duntrune, the ancestral home of that witty and genial gentlewoman, Clementina Stirling Graham; Ballumby, the stonghold of the lawless Lovells, whose high-handed doings were a terror to the whole strath; Claverhouse, the castle now all wasted away, where flourished a brave race of the gallant Grahams, one of them—Lord Dundee—the evil genius of the Covenant, and the hero of Jacobite song; Mains Castle, its tower yet standing among some coeval trees, by the side of a little den where a burn wimples through nooks that are fragrant in the time of flowers. And then, where the Dighty runs clear under green banks which swell into

the fertile uplands of Balmuir and Baldovan, lie the old burgh mills, and the lonely kirkyard of Strathmartin, and the well where the nine maidens were slain by the griesly dragon—a story attested to common belief by the name which the spring yet bears, and by the stone, sculptured with rude figures of wild beasts and armed men, which stands where the monster was vanquished. Farther west, in a corner among the hills, the head waters of the stream flow out of Pitlyal Loch, where Richard Franck had his fishing bewitched, and out of Lundie Loch, near to which stood the castle of William Duncan, a worthy burgess of Dundee, who founded the noble family from whom sprang the hero of Camperdown. Bounding the other side of the valley are the Sidlaw Hills, which stand in stalwart line with heath-clad Craig Owl at their head, and give salubrious shelter to some primitive villages at their feet, and screen the north from view, excepting at the Waaslech Glen and other glacks, where there are glimpses of the distant Grampian Hills beyond Strathmore.

Westward, upon a knoll by the river side, is Invergowrie Church, its hoary arches draped with ivy. Above it are the great woods where lies the house of the Lords of Gray—men who were notable in the eventful Reformation times; and up on the higher ground is Fowlis Castle, and the quaint old church with the oaken altar screen upon which the scene of the crucifixion is curiously painted; and near by, the den, half hidden in foliage, where a burn brawls under steep banks which in springtime are redolent with the rath primrose and the wild violet. Farther west, the Braes of Gowrie swell outward ridge over ridge to Dunsinnan, where Macbeth's bones are fabled to lie; beyond which other hills—giants, Schiehallion and some of its compeers, peep up through the distant haze.

The inner reach of the Tay is set amid fair surroundings, which, by their sinuous and varied outlines, give it the characteristics of an inland lake, within a background of wooded slopes, of rocky scaurs, of fruitful valleys, and of green hills. On the north, the eye is led along by the rich corn lands of the Carse, dotted with goodly houses—here Castle Huntly standing on a rocky knoll, and there Rossie Priory embosomed in noble woods—and it rests upon the amphitheatre of braes beyond, where Kinnaird Castle and other ruined keeps frown on

the peaceful scene with reminiscences of their own rude uses; and where, nestling in remote nooks, some primitive hamlets may yet be found, in which lusty youth grows into cheerful age with a full and simple enjoyment of life,

> "And blameless pleasures dimple quiet's cheek,
> As water lilies ripple a slow stream."

On the other side of the river, the bold outlines of the northern coast of Fife present a succession of diversified scenes. In the distance, Macduff's Cross and Abernethy Tower stand as sentinels in the valley, which is dominated by the shapely front of Clatchart Craig. Nearer lies Lindores Abbey, its arches broken and its walls crumbling away, but the wasted stones, and the trailing ivy, and the springy turf of the lonely place, are yet instinct with associations of ancient sanctity; then Ballanbreich Castle ruins, standing by the water in a corner of the old Earnside woods; and Normans Law, fronting forward in bold and heavy outlines, with the twin peaks of the green Lomonds shimmering far off in the sunshine; and sweet Birkhill, set amid hanging woods, which border the rugged coast with a noble fringe; and the silent cloisters of Balmerino Abbey, standing near to the great chesnut trees that shaded the fishpond in the monks' old garden; and the green braes of Naughten, rising up from the water's edge, the little dells in a tangle of wild rose and bramble and hawthorn bush; and the rounded Gauldry Hill overhead, in winter so bare, but now all aglow with the golden tassels of the broom. In its side is Gowle's Den, where the witches used to hold their revels, and where Thomas Chalmers went to gather flowers—a deep cleft in the rock, with the trees lacing overhead, and a clear brooklet dancing through and down to meet the Mottray burn at dear Kilmany. Then St. Ford's Hill, rising up by graceful rounds, the ridges fringed with foliage which screens the fair and peaceful valley beyond, where summer lingers long; and the great gray cliffs; "and the haven under the hill;" and Newport, sunny and bright, with the sylvan den of Tayfield in its midst; and the rocky scaurs of Scots Craig, having devious glades around their feet, and their summits crowned with woods; and then over the braes, from beyond where the

sunshine sparkles on the now smooth waters of the bay, St. Andrews, presenting its venerable towers and broken walls—silent but eloquent annalists of old memories.

The situation which Dundee occupies upon the sheltered northern slopes of the river bank, possesses much amenity and considerable beauty, and gives a free access to the great highways of commerce which has promoted and developed the important industries of the busy town. The estuary of the Tay is a broad and noble expanse of water. From the outer bar, where "these yellow sands" on a calm day break into tiny ripples the swell of the open sea, it enters its lower reach between the headlands of Ferryport on the south and Broughty Castle on the north, and sweeps past the harbour in a placid sheet which reflects back the shingly beach, and the rocky ledges, and the wooded banks along its course; and when the slowly moving clouds have cast upon the scene a life of sunshine and of shadow, it forms a beautiful picture whereon the eye rests with much pleasure. The river in its course from the head springs down to where "the stately ships go on," seems to present a parallel to the history of the old town with whose enterprise it has become associated. Rising out of remote sources amid stoney wastes and barren moors, and flowing by hillside burns, brawling over rocks, and sluggish streams, oozing through morasses, the waters mingle in the broad bosom of the lake, where they are purified, and which they replenish, then roll forward through fertile straths and fruitful carses in a career of usefulness and beauty—and so, broadening and deepening, reach the great ocean.

EARLY HISTORY.

The remote history of Dundee is involved in obscurity through which we have only occasional glimpses, and all that is known of it from authentic records may be told in few words. In the sixteenth century, when there was a contest as to whether Dundee or Perth should have precedence in Parliament, it was contended that the later ought to yield the place, "because it shall be proven by evidents that Dundee is more ancient, and by ancient record of chronicles whilk verify it to be hundreds of years before the days of King William, who is alleged to be the fundator of Perth;" but no such evidents appear to have escaped destruction in the fire and pillage to which the town was subjected when Edward I. endeavoured to subjugate the national independence; and although we know that the burgh had an ancient origin, and has passed through remote antecedents, yet it is only from the time of this occupation that any of the circumstances of its annals can be traced with certainty, and it is not until much later that we can follow events in a historical narrative.

The Castle, which was an important stronghold, was then held by the English for several years, and withstood a siege of some duration by William Wallace, but was afterwards surrendered to Alexander Scrymgeour, the royal standard-bearer, who received from the Guardian of Scotland for his services a grant of the hereditary office of Constable of the Castle and of the Town, and a gift of certain adjoining lands, which established the Scrymgeours in an important relationship toward the burgesses. The charter conferring these rights bears the date of 1298, and is the only writ of William Wallace which remains extant.[1] In 1309, an important national meeting of the clergy was held within

[1] A fac-simile of this interesting document will be found in the first volume of the Acts of the Scottish Parliament.

the church of the Friars Minors in Dundee, at which a declaration was made in favour of the claim of Robert Bruce to the throne,[1] which much aided him in the struggle wherein he was then engaged. Shortly after this, the Castle was again in possession of the enemy; and having been supplied with provisions and reinforcements by sea, it continued to resist the attack of the Scots for more than two years, but was captured before the decisive victory of Bannockburn, which put an end to the pretensions of the English, and established Bruce in his kingdom.

The destruction of the ancient charters, left the privileges of the burgesses unsupported by authority either to define or to substantiate them, so King Robert, in 1325, instructed commissioners to enquire into what these had been in the time of Alexander III.; and a report having been made to the effect that they were similar to those possessed by the principal towns in Scotland, the King, in 1327, granted a new charter to the burgh. In this there is a confirmation of all the rights enjoyed by the burgesses in the time of King William and in the time of Alexander III., as they were certified to the commissioners "by trusty and faithful men;" besides a grant of unrestricted liberty of trading, and other valuable immunities.[2]

In 1346, David II. invaded England, but was defeated and taken prisoner at the battle of Neville's Cross, and kept in captivity for eleven years. When ambassadors were sent to negotiate for his redemption, the seal of the burgh was affixed to their commission,[3] and at his liberation the town undertook to pay part of the ransom which was exacted.[4] During the time of the King's absence, a Council was held in Dundee, at which a commercial treaty was ratified between the burghs and merchants of Scotland and the town of Middleburgh in Holland,[5] and in 1351 the first meeting of Parliament within the burgh, of which there is record, took place; but we have no particulars regarding its enactments.[6] Shortly after the return of David, he granted a new charter to the town, whereby the privileges of the burgesses were confirmed and considerably extended.[7]

[1] Act Par., I. 460.
[2] Charters and Writs of the Burgh, by William Hay.
[3] Act Par., I. 515.
[4] Ibid., I. 517.
[5] Ibid., I. 514.
[6] Ibid., I. 74.
[7] Burgh Charters.

Before the Scrymgeours had long held the office of Constable, the jurisdiction which they claimed to exercise over the burgh in virtue of it, especially during the eight days of the annual fair, caused much irritation, and was the occasion of quarrels. To settle these disputes, and define the nature of the interference with burghal rule which their grant authorised, in 1384 an indenture was made in presence of certain nobles and barons, between the Council "upon the ane pairt, and James Scrymgeour, hand-senze of our master the Kyng, upon the uther pairt," wherein he "for hym and his aris, purelye and simplye quyet-clamet all action of wrang that he had or might haife before the making of the indenture, in the punisching of the [blame] tuiching burgesses and stallangeris in taking of places at the fair, and in tryall of ellwandis, wechtis, and balancis, and of all uther wrangis tuiching the libertye of the burgh, for fourty pundis usual moneye compleetly payit;" and by which he as Constable became bound that neither he "nor his aris sall any way intromeit with the fautes of the burgesses, except onlye what happen at the fair;" and agreed that if any offender "be arrestit be him or his deput, the Bailzeis sall sit upon the Castill hill with the Constabill or his deput, and the Bailzeis sall do the complaner rycht as order or reasoun requyres; and gif" the offender "be convict the merciament it sall be xx^{s} to the Bailzeis, na pairt of it remaining to the Constabill."[1] This contract was ratified by James II. in 1458,[2] but it did not effectually settle the question of the Constable's assumption of authority, which continued to be a cause of contest in later times.

In 1402, the Duke of Rothesay, eldest son of Robert III., was foully murdered at Falkland—it was alleged with the connivance of his uncle, the Duke of Albany. He had been a wild profligate, but the poor King sorrowed for his son, and two years afterwards he endowed the altar of St. Salvator, in the parish church of Dundee, with one hundred shillings sterling yearly as a perpetual alms-gift, to be employed under the patronage of the Town Council, "for the weal of the soul of

[1] A transcription of this indenture in the original Latin, and a translation of it, have been entered early in the sixteenth century into one of the books of record in the town archives.

[2] Burgh Charters

our whilom first-born David."[1] By the death of the Prince, Albany was restored to the office of Governor of the Kingdom; and in that capacity he was called on to adjudicate upon a claim preferred by the burgh of Perth against Dundee, wherein it was alleged "that na ship of adventure in the water of Tay aucht to break bulk until it comes to the Brig of Perth." But he decided that the burgesses of Dundee have freedom, so that any ship that comes in Tay on a venture may "loiss" at their haven.[2]

James, the brother of the Duke of Rothesay, was sent in 1405 to be bred at the Court of France; but the vessel in which he sailed was captured by an English armed ship, and he was taken, and kept a prisoner for nineteen years. At Windsor Castle he received a good education, and gained an acquaintance with the fathers of English letters, which developed his fine poetic genius, and enabled him to carry some of the civilising influences of learning into his own ruder kingdom. Henry VI. set him at liberty, upon the four towns of Edinburgh, Perth, Dundee, and Aberdeen severally becoming bound to pay their parts of 50,000 merks English; and at Durham, on his journey home, James granted the burghs a bond of relief for the sums in which they were bound by writ.[3]

When the Earl of Huntingdon founded the church at Dundee in honour of the Virgin, he placed it under the superiority of the Monastery of Lindores; giving that fraternity a right to the endowments, and binding it to maintain a vicar there. The original building was probably of inconsiderable extent; but, by the end of the fourteenth century—no doubt through the liberality of the burgesses—the more stately church, the massive western tower, and the various chapels and altars, had been completed, except in the northern transept, with all the magnificent accessories of a great ecclesiastical edifice. The responsibility of the Monastery for its maintenance, had not been held to extend over the additional parts of the structure, but was limited to the choir and the great altar of St. Mary. The monks, however, began to neglect their duty in regard to the reparation, which caused the Council to make complaints to the Bishop of Brechin, and became the "subject of litigation," and led to "very great discord, contention, and

[1] Burgh Charters. [2] Ibid. [3] Ibid.

altercation," which "continued for many years without any agreement." At length, in 1442, a contract was made between the Council and Abbot John, whereby the former agreed to take on the sole burden of keeping and repairing "the choir of the church in its walls, windows, pillars, window-glass, wood work, and roof," and also "the vestments, books, chalices, palls, and cloths of the great altar, and other ornaments of the choir," and the Abbot and Monastery in return became bound to pay the sum of five merks annual rent out of certain tenements.[1] After the Council had thus obtained the charge of all the church property, Henry of Fothringame, the Provost, caused an inventory to be made of the vessels and vestments belonging to the principal altars. This is still preserved, and it is a most interesting memorial of the old church. The various articles are specified with some minuteness, and details are given regarding valuable donations of vestments of silk and altar-coverings of cloth of gold, of missals, and of silver crosses and chalices, which show that provision was made for conducting the service with great ornament and splendour. There is also a very curious enumeration of the diverse properties which were then used in the Corpus Christi processions. Besides these inventories, the book contains a few particulars concerning the reparation and building of the church. In 1461, contributions began to be made for the cost of "theiking" the choir with lead. Some of these were given in kind. One man gifted eight stanes weight, and another presented a brewer's vessel of that material, while others gave sums of money, and in return the donors obtained the right to burial places for themselves and their wives within the church. After the choir had been covered with lead, the payments made for lairs were appropriated toward "the red," or putting into order, of the roof of the new aisle, by which name the north transept had probably been designated. This work appears to have been executed before the end of the century; and we may conclude that the whole structure of the edifice having thereby been completed, St. Mary's Church then attained to its greatest grandeur.[2]

During the fifteenth century the maritime commerce of the town had acquired considerable importance, and endeavours were made to

[1] Burgh Charters. The Abbot's duplicate of this indenture is in the possession of the Countess of Rothes at Leslie House.

[2] See Appendix—The Book of the Church.

render the harbour more safe and commodious. In 1447, James II., in consideration of the danger which ships incurred at entering and leaving the port by reason of its defective condition, granted to the Council the right of levying specific dues from all ships and goods arriving within the haven, and applying the same to its enlargement and reparation.[1] He also gave the burgesses exemption from the payment of certain customs, and conferred upon them a right to exact multures of all the grain exported, the same as if it had been ground in the town's mills.[2] Some contentions regarding rival privileges having arisen between Dundee and Montrose, Parliament, in 1458, enacted that both burghs should have the liberty of buying and selling, but that Dundee should have authority to indict and punish forestallers within the Sheriffdom of Forfar, in the presence of the King's Chamberlain.[3]

James IV., in 1511, ratified all the town's ancient charters, and he also granted to the Council and community a very comprehensive discharge of all transgressions committed by them, or of crimes that may be imputed to them, in the use of any improper weights or measures; and likewise discharged "all actions that may be imput to any officers of the burgh, present or bygane, anent the execution of their offices, or negligence or sleuth therein."[4] This indemnity was probably given to condone the use of illegal weights, in some commercial transaction which had been called in question.

For several years before the time that the Council Register begins to open up the inner history of Dundee, there are other sources of information which enable us to realize some of the incidents of burghal life. In 1544, the town was attacked by the plague with a fatal severity which "almost passed credibility;" and while it was in its darkest hour, and the people were in their sorest trouble, John Knox tells us how that good and valiant man, George Wishart, made them the memorable visit during which he ministered hope and comfort to the afflicted, and by his earnest sympathy and noble self-sacrifice gained for himself a lasting place in grateful hearts. The following summer there was a call for the muster of an army, to which Dundee, being so ravaged by the pestilence, was unable to respond; and in February

[1] Burgh Charters.
[2] Ibid.
[3] Act Par., II. 78.
[4] Burgh Charters.

1545-6, the magistrates were summoned by Regent Arran to answer before Parliament on behalf of the burgesses, "for their treasonable remaining fra the host and army made toward the borders in July last, and for other crimes." They accordingly compeared, and having "put them in my Lord Governor's will, and submitted them to the Lords of Parliament," they were discharged from any penalty. Although the Abbot of Jedburgh, who appears to have had a vested right to tithes from such fines, "protestit for his teind penny of the composition for the escheat."[1] Three years later, the pest was again "very vehement in divers parts of the realm, and speciallie in the towns of Dundee, Aberdeen, and other parts of the north, and continowit all the next year."[2]

In 1547, during the infancy of Queen Mary, Protector Somerset carried a powerful English army into Scotland for the purpose of dealing the country an effectual blow. The forces which the Scots raised to repel it, suffered a signal defeat at Pinkie Cleuch on September 10th, and the English remained masters of the south. "In the meantime," says a contemporary historian, "the English fleet be sea past to the castle of Broughty Craig in the mouth of the Frith of Tay, beside the town of Dundee, quhair, after certain of their shot discharged against the castle for a colour, the same was be treason of the keepers renderit unto the English men."[3] This traitorous surrender was made by Lord Gray, who had been privy to the designs of the enemy. The castle was then a place of great strength, and the commanding position which it held, made its possession an object of much importance.

In October, "my Lord Governor and Lords of Secret Council, understanding perfectly that our auld enemies of England, being in the house of Broughty, are apparently to invade the burgh of Dundee and haill country, and to herry, slay, and destroy the lieges dwelling within the bounds thereof, without they be resistit;" therefor ordained "that there sall be raisit three hundred men of weir, of the quhilk ane hundred hagbutmen and ane hundred spearmen to be furnished—the ane half be the greit prelates, and the uther half be the inhabitants of Dundee, and ane hundred horsemen be the barons and landit men"[4]—a force which was, however, insufficient for the reduction of the enemy's

[1] Act Par., II. 464.
[2] Bishop Lesly's Hist. of Scotland, 193.
[3] Ibid., 202.
[4] Reg. Privy Council, I. 80.

stronghold. The castle was subsequently besieged by a considerable army, first under Regent Arran, and then under the Earl of Argyle. But the latter, in the beginning of 1548, made a truce with the English, which gave them an opportunity for receiving considerable reinforcements by sea, and he then retired—conduct which becomes explicable when we learn that he received a bribe of one thousand crowns of the enemy's money through Lord Gray, who, in reporting on the matter to Protector Somerset, wrote that "Argyle's mind is wonderfully given to further the King's godly purpose."[1] James Haliburton, tutor of Pitcur, had command of the horse, and in reward of his honourable and honest service he afterwards received, as we shall see, "ane pley against Lord Gray," which, however, turned out to be "na less skaithful to him nor his former pains, and yet naething to his commoditie."[2]

An account of the operations of the siege, is written by a French gentleman who served with the foreign auxiliaries that latterly took part in them.[3] He says that the English, after being strengthened, "seized upon a little hill distant from Broughty nine hundred paces, and here they built a very fine fortress, and spared no cost to render it admirable, and to furnish it with men and ammunition of all sorts." From this position, "they sent betwixt sixteen and seventeen hundred lances, both foot and horse, to Dundee, which they entered without opposition: For although this last is one of the most beautiful, rich, and populous towns in the kingdom, and though 'twere easy to render it impregnable, yet, as the Scots have ever been careless to fortify their country, those in Dundee had no other defence than the walls of their private houses." News of this occupation having reached Edinburgh, three companies of the French and German forces were sent north for the purpose of surprising the English, "who," says the narrator, "upon advice that we were about to visit them, demolished the fortifications they had commenced and diligently carried on during the space of eight days at Dundee, rifled the houses, set the town on fire, and so retired to their two forts of Broughty." And when the allies "entered

[1] MS. Letter—State Paper Office, cited in Tytler's Hist. Scot., VI. 38.

[2] Act. Par., III. 417.

[3] Jean de Beagué. He published at Paris, in 1556, a narrative of the French campaign in Scotland, a translation of which appeared early in last century.

the town they had the mortification to find nobody in it but some poor women and a few men, who were labouring hard to extinguish those flames which the English had kindled." Lesly says that there came "great support to the Englishmen, both of men of war, pioneers, and all kinds of munition, and instruments to build a fort upon a hill not far distant fra the castle—as they did shortly thereafter, quhair they placed a great company of their soldiers. And in the latter end of the year they purposed to fortifie Dundee, a proper town not past two miles from Broughty." Upon "coming there, they enterit and began to make building for the fortefeing of it." But when they heard of the allies' approach, "they avoidit the town, having first spulyeit that of all sic riches as they found within it, and that done, set fire in the houses, and brint the most pairt of the town."[1]

The aid which reached the English by sea enabled them to hold possession of Broughty for more than two years; but in February 1550, De Thermes, the French commander, and the Regent went against it with a strong force, "and cuttit away all moyens betwix the fort and the castle; and efter the fort was dung down with great ordinance, the assault was given therto baith with the Scots and Frenchmen; quhair the English made resistance and defence at the first entering, but they war so courageously and stoutly assailyeit that the most part of them all were slain and the rest taken prisoners. Next day the Englishmen quha keepit the castle, fearing the like to come to them, renderit it, having only their lives safe."[2] It was afterwards thought expedient that the fort and some others should "be cassin down, because they serve of na thing in time of peace, and are nocht necessar in time of weir;" but "the fort of Inchkeith and the castle of Broughty, because they are [at] the entries of twa of our Soverane's maist special rivers," were ordered to be preserved and garrisoned.[3]

The deplorable condition in which the town was left, secured the burgesses exemption from the next muster. In April 1550, the Regent understanding that "the burgh of Dundee is alluterlie brint and destroyed be our auld enemies of England being in the fort and craig of Broughty, and sen the wynning thereof, the inhabitants are repairing

[1] Hist. of Scot., 219.
[2] Ibid.
[3] Reg. Privy Council, I. 90.

the [town] and making some policy for the sustentation of the lieges, and throw the great herschipps and downcasts they have gotten, as yet may nocht sustene the pyne and costs of the weirs," therefore granted them licence "to byde at hame fra the host" which was then called on.[1]

Dundee did not for long recover from the effects of this spoiling and havoc. Eight years afterwards, the Council continued to lament over "the grite decay of the burgh and the destruction of the policie thereof be their auld enemies of England in the time of war bygane;" and in 1582, when the burgesses petitioned James VI. for remission of taxation, they claimed it chiefly because of "the wrack and herschip" they had suffered when "their burgh, the kirk, tolbuith, steeple, almous house, and uther common houses thereof were brint and cassin down be England."[2] Some of the injury inflicted by the fire was indeed irreparable. The goodly church was spoiled, and thenceforth much of the structure lay in shapeless ruin, the beautiful arches which till then had crowned the noble tower were altogether destroyed, and in the wreck of the tolbooth, many of the ancient writs and almost all the burgh records were irretrievably lost.

After the enemy had been cleared away, there followed a season during which Bishop Lesly says, "the whole realm of Scotland being in quietness, every man addrest himself to policie, and to big, plant, and plenish" those places "which through the troubles of the wars had been wasted, brint, spulyeit, or destroyit."[3]

THE TOWN COUNCIL.

The government of towns by Magistrates and their Councillors, was especially suited to the rude times of early Scottish history, when the burghal system was growing into coherence and paternal rule had become essential to its development. The workmen who were without feudal protection, and had joined themselves into crafts for self-defence, and

[1] Burgh Charters.
[2] Reg. Privy Council, III. 520.
[3] Hist. of Scot., 243.

the merchants who found their single-handed ventures precarious, and had united into guilds for mutual aid, all recognized how needful it was for their safety and strength, that the fathers of the burgh should govern with arbitrary sway, and that themselves should render a ready obedience; and so the rule of Town Councils, and the transmission and continuance of their authority, became established as necessary for the well-being of the community.

The manner in which burgesses were then placed upon the Council in Dundee, could scarcely be termed an election in the ordinary sense of the word. The old body annually nominated the new—two of the number being craftsmen, and ten, merchant venturers, while the past Magistrates were continued in office for another year as Councillors.[1] The old Council and the new, along with the nine deacons of crafts, then met "in the revestrie of the kirk on Sunday efter forenoon sermon, according to the laudable custom observit be long antiquitie, past memorie of man," and there, from out of lists prepared by the old Council, elected the Provost, Bailies, Dean of Guild, and other officers. 1562. Oct. 5. At one time the elections appear to have taken place with some irregularity, but it was enacted "that all common offices, sic as Provost, Bailies, Councillors, Dean of Guild, Treasurer, Kirkmaster, Almshousemaster, Vesiemasters, and Deacons of Warkmen, shall be vacant ilk year at the feast of Michaelmes, and persons of new electit and chosen thereto." And afterwards, when it was found that some had neglected their duty, and "absentit themselves fra the leeting and election of the Magistrates and Council, to the grite hinderance of his Majestie's service, and the prejudice of the common weill of the burgh, it was ordaint that in case ony person that hes vote sall absent himself heirefter upon the ordinary days fra the leeting and election, that he sall pay twenty pounds unlaw but favour." No one was allowed to decline office. "Quhen ever ony person be common suffrage and vote, is electit to be Provost, Bailie, Dean of Guild, Treasurer, Almshouse-

[1] In the contest between Dundee and Perth regarding precedence and river rights, it was contended that Dundee "is more civillie governed than Perth, in respect the haill Council are of the merchant estate, except two of the crafts, while the equal half of the Council of Perth are craftsmen." In 1604, a third representative of the crafts was placed on the Council.

master, Piermaster, or Commissioner to Parliament, he sall accept the office upon him, and use the samyn faithfully according to his conscience, [giving] his aith to that effect; and quhatsumever person he be that refuses or defers to accept and use his office efter he be chargit thereto, sall incontinent theirefter be either wardit or poyndit until he pay ten pounds to the common warks;" and notwithstanding, "sall nocht be dischargit of office, but compellit to accept and use the samyn be our Soverane Lord's letters, or wardit until he accept."

1589. SEPT. 30. On entering into their places, "the Bailies were sworn and gave their aiths for faithful administration for the year to come, according to their conscience and knowledge, and as God should give them grace;" and "the haill Council were also sworn and gave their aiths for the faithful discharge of their offices in giving true counsel to the common weill, in convening on the ordinary days and uther times quhen they sall be chairgit, and in keeping close and secret that quhilk sall be spoken in Council, as also for assisting the Magistrates at all times convenient—be the haly name of God." And it was ordained "that gif ony sall reveal or open the secrets quhilk he hears in Council to ony manner of person, then the revealer sall be dischairgit of forder place, and never bruik[1] office in time coming," but be held "as ane mensworn person."

1561-2. JAN. 10. At a season when some negligence had been shown toward civic duties, the Council moralized upon how "the common affairs and the business quhilk tends nocht to ony private man's profit and commoditie, does oft times pass in oblivion, is forgot and neglectit, as we may daily see and understand in the common weill and business of the burgh, which is wonderfully hurt and hinderit in as meikle as almaist na man remembers thereon;" and they enacted, for the better ordering of the meetings, "that ane officer pass and warn the Bailies and Council to assemble ilk oulk[2] on Tuesday at ten hours before noon in the Councilhouse, there to treat, deliberate, advise, and determine upon the common affairs, on all business pertening to the common weill, and all uther things being thocht expedient for the present time;" and those not then attending to be each fined two shillings—the Bailie or Clerk four shillings, "and the box to be set on the Councilhouse buird for receiving the pains the next day efter the absents compeir." At a later time,

[1] Possess. [2] Week.

"they reiterat their aiths anent the keeping of the Council ilk oulk on Tuesday, and promittit upon their fidelities and consciences to observe the acts made thereanent, and in case they should be found contravening, to pay the penalties contenit therein, but grudge or contradiction." The enforcement of fines did not, however, amend "their slow and negligent convening upon the ordinary days and other days when they were chargit"—of which "lawful warning, sic as had been accusit" for absence, "commonly pretendit ignorance, quhairthrow the affairs of the common weill were oftimes neglectit and overpast; for remeid quhairof it was concludit that the Council be convenit be ringing of the bell quhilk is hung at the east end of the tolbuith, and was usit of before as the common bell of the burgh, but sall not serve to that heirefter, only to the use appointit; and that ilk Tuesday the said bell sall be rung be the officer, fra half-hour to ten, until it be ten stricken; and sic persons as convene nocht before the end of the bell ringing sall pay twa shillings, and sic as absent themselves all the time of the Council, they being within the burgh and able to have convenit, sall pay ten shillings." 1593. Oct. 2.

But the ringing of this bell, which not long before had been hung "upon the north-east nuik of the tolbuith" for summoning the Guildry and crafts to assemble, did not cause the Councillors to attend as they ought; and the unlaws were increased, so that "he quha convenes nocht at the bell-ringing—at the least by ten hours—sall pay ten shillings for ilk time of his absence, and the Bailie or clerk notit absent, twenty shillings;" notwithstanding which, "the rare assemblies and convention of persons" continued, and recourse was then had to extreme measures. "It was ordaint that in case ony person be notit absenting himself three days togidder fra the Council, he being within the burgh, and nocht diseasit, that he sall be dischairgit and deleit furth of the number immediately theirefter, and also pay the penalties for his absence." And afterwards this ordinance was made even more stringent. "Sic persons as have made faith for administration of their offices ilk oulk on Tuesday at ten hours, failing be the space of twa days togidder, they being within the burgh and nocht obtening liberty, sall be deprivit of their offices, and uthers electit in their places but ony calling of them judicially." 1601. Oct. 13.

These rules were, however, found after trial to be too exacting;

constant attendance was impossible, and the expulsion of absentees was impracticable; so the Council resolved to reduce the penalties to reasonable limits, and "concludit that the haill persons absent on the ordinary days and hours, sall pay forty pennies preceislie for ilk day's absence, ilk Bailie six shillings eight pennies, and the Provost, with his awn consent, sall ilk time pay ten shillings." Sir James Scrymgeour, a "dour" and overbearing man, was then Provost, and the Council, not yet having begun to fight with him, prudently gave him the option of paying his own fines.

In prospect of a steady accretion of penalties, a new pirlie box of copper was made for their safe reception. This article, which was probably fashioned by David Gray, a noted pewterer in the burgh, is still preserved, and forms a rather interesting relic of those times and of their craftsmen's work. It is of spherical shape, about nine inches diameter, having a stud passing through which held it to the table, and whereon it revolved. In the side is a slit for the admission of coins, and also a hole, secured by a lock, out of which they might be emptied when the vessel had been turned over, but this could only be done after a nut upon the end of the stud, which required a peculiar key to turn it, had been removed. The surface of the box is engraved with boldly executed ornamentation, and has several inscriptions in separate round compartments. The first of these is—"Payment for not coming to the Counsell of Dundie," enclosing the initials of the "Balzeis, 1602." The next is—"Lord bless the Provest, Baillzies, and Counsell of Dundie;" in the centre, "Sir James Schrimgeour, Provest, Anno 1602, 14 May." Then a shield having the town's badge—the lily, and the motto, "Dei Donum;" and another shield with the Scottish Lion, surrounded by the words, "Feare God and obey the King."

Shortly after this coffer was made, the fines "upon the persons of the Council quha convened nocht immediately efter the bell-ringing," were again increased to six shillings eight pennies, and upon the Provost, to thirteen shillings four pennies; and the box was ordered "to be set every Council day upon the buird for receiving them," and also "ilk court day for receiving unlaws; and to have twa keys, ane thereof to be delivered to ane Bailie, and the uther keepit be the Kirkmaster."

1607. Ap. 16. During a time of plague, when all felt a dread at meeting their neigh-

bours, heavy penalties had to be exacted from those absent. "The haill Council agreed to convene ilk Tuesday at ten hours but warning, and remain till twelve, for handling the common affairs, and siclike, at sic uther hours as they sall be warnit to keep, under the pain of five pounds." When the pest ceased, the fines were again reduced. It was enacted that "every magistrate that beis absent furth of the Council-house upon Tuesday immediately efter the preaching and before the ending of the ringing of the Council bell, sall pay thirteen shillings four pennies, and ilk Councillor quha sall nocht" be then present, or "sall nocht keep the preceise hours upon uther extraordinar days, sall pay six shillings eight pennies, to be presently imput in the common box hinging in the Council house."

The common kist, which contained the charters, writs, and valuable documents belonging to the burgh, was secured by three locks, the keys of which were, "according to the accustomat order, disponit for ane year," to the treasurer ane key, to a councillor ane key, and to a representative of the crafts ane key, who were required to be together present at the opening of the kist, "and when any evident was taken out to tak ane pledge for inbringing of the same." It was, however, ordained that "the kist should nocht be opened without ane Bailie and three of the Council at the least being present, and the three keepers of the keys also, and gif it beis done utherways, it sall be repute ane preve draucht,[1] and a defamation to the keepers for ever, and they sall never [again] bear office in the guid town." 1554. Oct. 1.

In order that the business of the burgh might be transacted openly and honestly, and without the influence of improper motives, it was enacted "that na common office or public action suld be given or disponit be private or sinister reasons or wayings,[2] but in convenient public time and place, quhair Provost, Bailies, and Council, and all uthers having votes, suld be presently warnit to reason the matter and give their determination as they think best for the common weill. And it was declared that all private donations, bypast," or that may "be proponit,[3] contrair to these terms, shall be of nane avail, force, nor effect."

The inhabitants of the burgh were generally law-abiding, and

[1] Private design. [2] Weighings: influences. [3] Proposed.

ready to give to the Council the honour which was due to unquestioned authority; but some of them—men and women—were turbulent railers that did not shew themselves amenable to the paternal rule. For these, condign punishments were provided. "Gif ony person be fundin mis-saying[1] or blaspheming ony of the Council chosen for the time, or ony taxters,[2] or cunniars[3] of wine or ale, or ony person doing business at the command of the Provost, Bailies, or Council," that blasphemer "sall pay to the Kirkmaster forty shillings; and gif the person" pay not, and "hes not guids strenzeable to be poyndit, then the man [offending shall] lie in the stocks forty-aucht hours, and the woman in the cuck-stule." Disobedience was, however, punished more rigorously than evil speech. "Gif ony person be fundin disobeying any one bearing office within the burgh, he sall pay five pounds of money but ony forder process," and if he pay not "his readiest guids sall be poyndit therefor; and quha beis convictit sall come to the Mercat Croce and upon his knees desire forgiveness of the person quhom he has offendit, and gif he disobey shall tyne his freedom." But if the offender "hes not guids nor geir strenzeable for the soum, in that case he sall lie forty-aucht hours in the stocks," and then the next market day make amends upon his knees; "and gif he disobey thereafter, shall be banished the town for year and day, but ony mitigation." It was a grave offence to "give ane cuff or draw ane whinger in presence of the Provost, Bailies, and Council, in the court, or any uther convention that should be made," for which the offender had "to pay ten pounds to the common guid, by satisfaction of the pairtie;" but if committed elsewhere, it was more venial, for "quhaever gives ane cuff or draws ane whinger utherways privately, sall pay to the common guid forty shillings, by the said satisfaction of the pairtie."

155?-4. Jan. 8.

1561-2. Jan. 10. At one time it was considered desirable to encourage the burgesses to attend the meetings and express their judgment upon public affairs, and it was declared "to be lesum for ony neighbour or inhabitant that hes knowledge of ony purpose concerning the common weill, to come before the Council in the Councilhouse and declare his gude purpose." But too many had gone to give advice, and after a while it became necessary to restrain public opinion by ordaining "that na person heir-

[1] Speaking against. [2] Those imposing taxation. [3] Judges.

efter sall presume to speak in the Council without he first crave licence of the Provost and Bailies to that effect, that matters may be cumlie and orderlie intreated as effeirs." There were other disquieting influences which sometimes disturbed their deliberations. In the street below the meeting-place, hucksters and shoemakers had established their booths, and upon market days they made much noise, probably by crying, as the fashion then was, "What d'ye lack?" and by "using of their craft, thereby continually perturbed the judgements and counsels halden in the Tolbuith and Councilhouse." So it was found necessary to make the street "red and wad[1] of the hucksters, and have the shoe market removit at the feast of Whitsunday, and placit and put beeast the bear market—because the hucksters are against the common weill to occupy that place."

The persons of the Council in these old days, appear to have generally performed their difficult work with much judgment and discretion. Perhaps they were narrow in their opinions and restricted in their sympathies, but these were characteristics of the time which they could not avoid; and if often too rigorously severe, they were usually influenced by inflexible impartiality, by conscientious convictions, and a high sense of Christian duty. The business which belonged to the general good, was always to be considered before any matter of personal interest; for "na particular actions shall be receivit be the Council but only what appertenes to the common weill, until the common actions be first discussit." All was done with dignity and in order; even in small matters they acted "high and disposedly," whether it might be in hearing "the bellman give his aith for faithful administration of his office," instructing "the Dean of Guild to wair the sylver being in his hands upon ane green clayth to the Councilhouse buird," or ordaining "the treasurer to deliver to the officer, ane cloke, in recompense for his cloke tynt in the town's service."

[1] Clear and secured.

THE MAGISTRATES' COURT.

The Head Court was formed of all the Magistrates and Councillors, who usually met once a year under that designation, to ratify and approve "all lowable acts made be them and their predecessors, and observit and keepit be prescription; and also of new" to make what further general ordinances they considered necessary for the interest of the common weal. The ordinary Court for disposing of civil causes, consisted of the Provost and Bailies, who met once a week, or as often as occasion required. The explicit and sensible rules devised for ordering their proceedings, shew that pains were taken to secure the due administration of justice.

1554. Oct. 1. It was found that diverse pursuers who went to the Court for remeid of wrongs, were subjected to "grite extortion be syndrie persons quha being pursuit, fraudfully absentit their selves unto the hour of twelve when the Court was near risen, and the judges might do na process; and then compeirit for safety of their unlaw, in grite defraud and hurt of the commonwealth; for the evasion quhairof" it was ordained that when a person "beis attachit to compeir in the tolbuith to ony lawful day, then baith the pursuer and defender shall compeir at the hour of cause—quhilk is ten hours—and they failing when they are thrice callit, the Bailie sall unlaw them instantly or ony other claim or bill be callit, as if they had not compeirit that day."

1560. Oct. 4. Then, "because there has been usit this lang time bypast, that when a person had his action till intend before the Provost and Bailies, howbeit were never sa small, or that his adversar were haldin to compeir, or justice micht be had against him, he behoovit to be warnit thrice and thrice unlawit," and only after "the fourth time [could be] proceedit against; through the quhilk delay, mony just actions were lost be the pursuers, and tynt there geir therethrow, against the guid order usit in all other burrows of the realm; therefor, and for shorting of the process, it was ordanit that ony person being lawfully warnit, and failing, sall incontinent be warnit to compeir the morn, and gif he then fail, the

1561-2. Jan. 10. Bailies sall proceed to probation." And because "in time bygane the

puir in their actions have been frustrat and heavily hurt with cost and expenses, which be lang process have been equal or above the principal soum; therefor it was ordanit that the judges sall receive the complaint of the puir first, and before others, and gif the claim be ten shillings or within, and in ane soum nocht dividit, the same to be receivit but bill;[1] and gif the defender compeir nocht, it sall be lesum for the process to pass likeas he had been chargit be writ." Also, for "mair expedition of justice nor hes been usit in times past, the Bailies, and in special the clerk, shall every judgement day be in the tolbuith at ten hours before noon, and all pursuers also or eleven hours, otherways their actions to be uncallit that day; and judgement sall proceed against all defenders nocht compeiring immediately efter the strikin of eleven hours, and they nocht to be heard gif they come theirefter, but to be poyndit for their disobedience, because they came nocht at the time appointit."

Persons pleading in Court were required not to misuse their liberty of speech, and try to make the worse appear the better reason. "Gif ony pairty, pursuer or defender, pleads in the tolbuith before the Provost and Bailies be the space of three dyets, then, or the interloquitor, or expremet be the decreit,[2] ilk ane of the pairties sall give in the Bailies' hands aucht shillings;" and he that has been found "to have pleadit calumniously or wrangously, to tyne his aucht shillings with all expenses made in the process, and the pairty committing na offence to be restorit." Neither were they to slander their adversaries, for "quha in presence of the judge" uses to "his pairty ony manner of blasphemous talk or irreverent speaking, he sall pay to the common guid twenty shillings, with amends to the pairty." And again, "na person shall presume to injure or blaspheme his pairty judicially at the bar, and quha sall be fund to do in the contrair, sall pay to the kirk wark five pounds, by satisfaction to the pairty." Nor were they to question the decision of the Court unless their own hands were clean, for "gif ony speaks contemptuous of the judgement, and theirefter it be fund that he hes either pursuit, defendit, or promovit[3] unjustly, he sall then tyne his freedom." 1562. Oct. 5.

Those having business in the Court were obliged to behave with 1582. Oct. 1.

[1] Without written particulars.

[2] Before the intermediate, or the final decision.

[3] Promoted.

deference. "No person quhilk pursues actions, shall presume to speak without he be outwith the bar, and that with reverence as becomes him." And again, no one "resorting to the tolbuith shall pretend to enter within the inner bar thereof, but the procurators shall stand at the back of the inner bar and plead their actions reverently as becomes; and na pairty, pursuer or defender, shall come within the utter bar until he be callit, and efterwards shall remove incontinent; under the pain to the pursuer," that his "action sall nocht be callit for fourteen days thairefter, and to the defender, that he sall pay eight shillings for his contemption, or remain in ward until he pay the samyn."

Already some of the burgesses, in contempt of their own judges, had been carrying litigations into other courts, especially to that of the Sheriff of the shire. This was most offensive to the honour of the burgh, and caused much indignation; but although repeated injunctions were issued against it, the practice does not appear to have been discontinued, until Charles I. granted to the Provost and Bailies the
1580. Oct. 4. power of Sheriffship within themselves. It was now enacted "that the magistrates and officers, baith superior and inferior, be reverencit, obeyit, and maintenit in their offices as becomes;" and that only "their jurisdiction and privilege, laws and judgements be socht be the inhabitants;" who shall "pass noways to seek justice in civil causes at any other judge within the realm of Scotland; and quha ever does in the contrair, sall for the first fault pay ten merks, and for the second tyne his libertie within the burgh for ever."

The Bailies, in the performance of their onerous duties, passed every morning through the burgh, and as in patriarchal times, administered justice within the gates. To enable them to bear the sword
1567. Oct. 7. with effect, they themselves needed firmness, and required from all good citizens ready obedience and honour. "Quhasoever beis fund committing ony deforcement or disobedience to the Magistrates, his name sall incontinent be put out of the lokkit book" (the burgess roll), "and he sall never bruik privilege nor freedom within the burgh." All were bound to fortify and defend them. "Gif it chance that they or any officers of the burgh quhatsumever, be contemptuit, troublit, or disobeyit be ony manner of person, then incontinent the neighbours that happen to have knowledge thereof sall rise and assist them;" and

whosoever "absents himself and takes nocht pairt as said is, sall tyne his freedom, and be esteemit as ane unfaithful neighbour in time coming." Subsequently the duty was again enforced. "Quhen ever ony Bailies or officers hes trouble or contradiction in using of their office and putting of their acts to execution, then incontinent, all neighbours that are near by, shall concur and assist with them in using and exercising of their office against all persons disobedients, without exception either for friendship or favour; under the pain, that the freeman sall lose his libertie, and the unfreeman be banishit for ever."

1590. Ap. 12. The officers who accompanied the magistrates through the streets upon their mission of justice, had at one time been "very negligent" in attending upon them, and were thereafter warned that if they again neglected their duty they should be "punishit in their persons, and if the fault were grite and exorbitant, deprived of office;" and they were "ordanit to be ready at all occasions on the Hie Calsay of the burgh, ilk day twa of them, to attend in manner foresaid, and quha beis fundin contravening, to be incarcerat for the space of twa days, and thereafter to be burdenit with the attendance for twa days." They were required to enforce the judgments of the magistrates, and "put all acts given to them to execution within eight days, and gif they can nocht, to come incontinent to the Bailie of their quarter and shaw the cause, that remeid may be providit."

1564. Oct. 10. In the performance of their duties the magistrates were themselves required to be diligent, to do justice, and to love mercy; "to be every judicial day in the tolbuith for doing of business before the hour of eleven afore noon, under the pain of six pennies, to be upliftit sa oft as they fail, and distribut to the puir;" and afterwards it was enacted, that "gif ony of them or the clerk fail at the time appointit, they or ony of them sall pay twa shillings, and gif they refuse, remain in ward until payment thereof." To guide their decisions, they were instructed "to have the authentic copie of the common statutes for their information, so that they sall poynd na innocent in executing of their office."

PRIVILEGES AND DUTIES OF BURGESSES.

The privileges of the burgesses formed the basis upon which the commonwealth of a burgh was established. Such rights as had pertained to Roman citizens, became developed among traders and craftsmen, and bound them by mutual interests into enterprizing communities, which were coherent and strong at a time when the country itself was disunited and weak, and growing with the national growth into civilizing centres, they helped to forward its progress, and to nurture the spirit of liberty out of which free institutions sprang. In Dundee, as elsewhere, the burgess degree was highly valued and much desired. Admission to it was obtained by the sons of freemen in right of birth, and by strangers through the gift of the burgh or by purchase, the price having been usually reduced to those "who had faithfully served

1554. Oct. 1. as prentices" to traders or craftsmen. The freemen were received into the privilege by having their names written in the "lokkit buik," which was "nocht to be openit, nor na burgess put in it, but in the tolbuith before the Provost, Bailies, and Council;" whose duty it was to maintain the rights and strengthen the liberties of the town, by requiring that the burgesses approve themselves worthy of their immunities, and shew diligence in doing faithful service to the commonweal.

1567. June 18 At one time there was found to be "grite misorder be persons resorting to the burgh and pretending to be freemen, burgesses, and brether of guild thereof, they neither being qualifeit to use the tred of merchant, nor yet able to save their aith even at the time of their receiving to freedom;" and it was resolved "that na person be admittit efter the present date, without their honest conversation and manners be notorlie knawn," and unless "they pay the sum of ten pounds, with accidents use and wont."

There were also "sindrie persons pretending to be burgesses and brether of guild, dwelling without the burgh, and open proclamation" was made "at the Mercat Croce to warn them to compeir, dwell, inhabit, and bear chairge sic as ony other neighbour does; and if they fail, the lokkit buik to be openit and their names to be deleit furth of

the samyn, and nane of their posterity to bruik or use ony freedom theirefter." These unworthy freemen did not, however, obey the call, and shortly after they were again charged "to come, remain, and mak residence within the burgh, to joyce and bruik[1] the privileges thereof, and to detoir[2] in the samyn efter their guidly power with their counsel, help, and supply in taxations, watching and warding, and all other duties conform to the maintainer of privilege, likeas they have sworn be their aithes quhen they were made burgesses." At a later time it was found that there were still "out burgesses that pretendit to be freemen and insert in the lokkit buik," and they were peremptorily ordered "to come and mak residence, inhabit and dwell, hald fyr and flett,[3] watch and ward, and pay taxation with the remanent neighbours according to the privileges and laws of burrows, within forty days next efter this date; certifying them that fail, that they sall tyne their freedom simpliciter." 1582. Oct. 1.

Some abuses had taken place in the manner of admitting burgesses. The treasurer had been "giving cukkets[4] to persons for occupying of the freedom and libertie of the burgh," without having the sanction of the magistrates; but he was now prohibited from doing this, as all must "come in the presence of the Bailies and Dean of Guild, and give their aithes for true obedience to the King's Majesty, the Magistrates, and the common weill, and for observation of the laws and privileges of the guildry conform to use and wont, and so obtene their names insert in the lokkit buik, and pay therefore; otherways their cukkets sall serve for na purpose." Others "had received libertie and freedom be request" of those having influence; and it was declared that this "sall endure na langer nor the life" of him "quha has obtened it, and his bairns sall never be enterit in the buik for his cause, but as unfree persons, to buy their libertie as others does;" and again, "that na burgesship nor guildrie quhilk is given gratis, sall last ony langer nor the lifetime of him that obtenes the samyn, so that his bairns nor his heir quhatsumever sall pretend na privilege thereto;" for none shall be entered "without the payment of twenty pounds." Afterwards, it was found that the common weill sustained "grite hurt be the rash and unadvised receiving 1580-1. Jan. 9. 1597-8. Jan. 10.

[1] Enjoy and possess.
[2] Do duty.
[3] Hold fire and house.
[4] Certificates.

of persons to the libertie of the burgh upon the solicitation of gentlemen," and the Council "concludit that none sall be receivit burgess heirefter except he pay the ordinary sum and accidents; and in case ony be receivit upon other consideration, that the treasurer and Dean of Guild shall be chairgit with the payment upon their awn guids; and siclike, that na person" shall be entered upon his father's right "without he shew ane testimonial of his father's libertie." Two maltmen were received "in the number of free burgesses, at the desire of William Gray, Sheriff-Depute," because of "his friendship and kindness bestowit to the common weill;" but it was provided "that this sall be na preparative to any other Sheriff-Depute to crave the like benefit heirefter." It was, however, subsequently found, "that the common weill still susteaned great skayth through the frequent admission of burgesses at the request of noblemen and men of credit; and it was statute that the benefit to redound to all persons so received, shall only last during the space of three years after their admission."

1608. Ap. 11.

Some had been "admittit to be upon the Council that were not burgess and brother of guild;" but it was declared that in time coming none shall bear such office that do not "agree with the order of guildry, and specially those persons quha are nocht under deaconry."

1590-1. Jan. 19.

"The monyfauld abuses and slanders daily kything[1] be the frequent entry of persons, but respect of their qualities, in the number of the freemen, against the tenor of the auld acts," caused much disorder, "and the Council concludit that none sall be receivit efter this hour except he be worthy, and of sufficient quality meet to be in that number;" and who, "gif he be merchant not under deaconry, shall produce ane testimonial made be the Dean of Guild, and gif he be ane craftsman, ane testimonial made be the deacon of the craft, declaring him to be worthy to be receivit; and forder, that all persons quha have" paid ten pounds for "being [only] brether of Guild, sen the making of the act anent twenty pounds for burgesship, shall be callit, and sic as may pay, decernit to pay ten pounds; but simple burgess to be admitted gif he pay ten pounds." And because of the "grite skayth which redounds to the common weill be the receiving of burgess sons upon the liberties of their fathers, without ony respect to the conditions

[1] Appearing.

quhairupon their said parents wes entered, it was ordainit that na burgess son be receivit hereafter without ane testimonial, bearing the conditions quhairupon the father held the privilege."

An increase was made on the payment for entry. It was agreed that "na burgess and brither of guild sall be admittit in time coming, without he first pay forty pounds, by the ordinary accidents;" although the representatives of the crafts "disassentit to the said conclusion, because they had nocht the deacons' advice thereto—as they declarit." But notwithstanding their objections, the price was afterwards raised to one hundred merks; with the provision "that a lawful prentice sall be received for payment of forty pounds, on producing ane testimonial subscryved be his master and the Dean of Guild, gif he" has been "prentice to ane merchant or mariner, and subscryved be his master and deacon of craft, gif he" has been "prentice to ane craftsman, testifying him to be buikit prentice, and that he has served his master truly during the space of five years, and that he is of honest life, and able to leive by his calling and industry without burden to the common weill." It was, however, found that this provision had been abused "by strangers resorting to the burgh, who not having served as prentices to free merchants or craftsmen, hes been received to freedom upon as easy conditions as those who hes faithfully served as prentices;" and it was enacted "that all such persons as are not freemen's sons, or that hes not served duly and lawfully the space of four years at the least, shall pay at their admission, and for inserting their names within the locked guild book," the full amount of "ane hundred merks, togidder with the accustomat accidents payed of old to those that hes right thereto." A careless treasurer violated the law, and entered a burgess without having first received payment, but the Council "concluded that he shall be charged for no less than the soum of ane hundred merks, to be compted for every ane of the burgesses wha are booked;" and this probably caused the defective account to be balanced, for next month, "Walter Watson was ordained to repair in ward until he satisfy the treasurer for his burgesship."

1611. Oct. 31.

1642. Mar. 18.

There still were difficulties in verifying that prentices had served "the space of four complete years, and lest the town sustean any prejudice, and that it may be known who are prentices and who are not,"

it was ordained "that all who shall heirefter claim the benefit of being admitted burgess for forty pounds, shall, immediately after their entry to serve as prentices, cause register their indentures in the town's books, and only the extract thereof to be accepted for instructing of the same." The full price of entry was further advanced "for relief of ane pairt of the great burdens of the town, to ane hundred pounds, with the provision that all who shall serve as apprentice to any merchant or any of the nine deacons, shall be admitted for forty pounds;" intimation of which was ordered "to be made be tuck of drum."

1644. Aug. 13.

Those who had not been received into the privileged class, were restricted in their beneficial occupation of the town. They were not at liberty to trade or to buy and sell at profit, and if they imported goods, were required to sell them in bulk to the Council or to freemen at a reasonable price, so that the community and not they should have the benefit. Sometimes they tried to evade this by trading in partnership with burgesses, or under colour of their names, but it was ordained that no burgess shall "be factor to ony unfreeman to buy merchandise within the realm, or to carry the same outwart, or to top[1] or sell within the burgh;" and that no one shall "be partner with unfreemen in buying or selling ony manner of guids, or blokis[2] of victual, in defraud of the liberties of the burgh." And howsoon any unfreeman's "guids come to the burgh, either be sea or land, gif ony burgess" has been made "factor either be word or wreit, then incontinent he sall enter them in the town's buiks, and the guids and the prices thereof shall be given up to the Provost and Bailies as if the awner were present; and gif they can nocht agree on the prices, in that case the factor sall sell the guids in grite[3] to freemen, as use is of strangers guids."

1553-4. Jan. 8.

But unfreemen continued to "use the libertie and profit of the burgh, and freemen against their aithes and consciences, made traffic with unfreemen's gear under colour of it being their awn." So in order "that knowledge might be had of this," the Council directed "that all masters of ships coming to the port, sall howsoon they arrive, give up their interest of all guids being in their ship, before the Provost and Bailies; and that na ship be frauchtit without ane Bailie or the Dean

1562. Ap. 6.

[1] Break bulk.
[2] Speculations.
[3] Whole.

of Guild be present, so that trial may be had quha is freeman and quha is nocht; and quha and quhat skipper disobeys, sall pay for ilk time the soum of five pounds." The following week "a Dutchman's ship having come in with the first bear, and scho lying in the road," George Gardin, along with George Rollok, a merchant of Perth, "past and coft[1] fra the Dutchman certain lasts of bear," and then "they causit put the samin in John Caye's boat furth of the ship," expressly against the acts of the burgh. So the officers "arrestit the boat," in which they "verified that there wes four lasts of bear," and also a quantity of "byg."[2] But notwithstanding the arrest, the victual was carried off, "and the boat past away to Sanct Johnstoun." Gardin having been interrogated, "confessit" to the transaction, but the stranger was away with the bear.

1567. June 18. "To avoid debate quhilk commonly is usit between awners and merchants daily in the tolbuith, the act made for frauchting of ships in presence of the Dean of Guild," was ordered "to be publishit, and put in execution; and the Dean to subscryve the charter party." And "forsameikle as diverse freemen, in contrair their aith, continually" deal with "unfreedom's guids, quhairby the estate of the burgh is grytlie hurt, and the common customs grytumlie defraudit, therefor it was ordanit, that gif ony burgess carries with him ony geir pertening to unfreemen" as if it were his own, "that the offender tyne his right for ever; and it sall nocht be lesum to him to redeem his freedom, because he has been perjurit."

1582. Oct. 1. "It was devisit that na unfreeman pretend to buy ony staple guids within the libertie of the burgh, and specially to buy ony bull skins or hides;" (these would probably be wanted for the neighbouring highlands, where large quantities were used in covering targets;) and that no one "shall be suffered to buy ony quantity of wool, except in ane free mercat, attour[3] that quhilk may conveniently serve for the claithing and abuliment[4] of himself, his bairns, and family, under the pain of confiscation thereof."

The dress then worn by burgesses and others, was required by law to be suited to the degree of the wearer. In the fifteenth century, Parliament ordained "anent the commons, that na lauborars nor

[1] Bought.
[2] A description of barley.
[3] Above.
[4] Dress.

husbandmen wear on the week day," any clothes "but gray, and quhite, and on haliday, but lycht blue, and green or red; and their wifis rychtsa,[1] with curches of their awin making," the stuff "nocht to exceed the price of forty pennies the ell. And that na men within burgh that live be merchandise, unless they be in dignitie as Bailze, or gude worthie man of the Council, shall wear clathis of silks, nor costly scarlet gowns, nor furrings; and that they make their wifis and dochters in like manner be abulzeit ganeand,[2] and corresponding to their estate; on their heads, short curches, with little hudis, as are usit in England; and as to their gowns, that na women wear" costly furs, "nor have tails of unsuiting length, nor furryt under, but on the haliday. And that na woman come to the kirk or mercat with hir face musalyt[3] or coverit that scho may not be kend, under the pain of the escheat of the curch."[4] In 1567 it was enacted "that it be lawful to na wemen to weir dress abone their estait, except howris." When Acts were at that time finally disposed of in Parliament, "Apprevit," or "Apprevit nocht," was written upon the margin of the record, as proof of ratification or rejection. In the case of this short statute, the marginal note by the legislators is, "This Act is very gude;"[5] as if they were chuckling over a grand device for putting an end to the extravagance of womankind. In 1621, another Act ordained that "husbandmen and laborers wear na clothing but grays, quhyit, blue, and self black made in Scotland, and that their wyiffs and children wear the like. That no servants, men or women, wear any clothing except canvas stuffs made in the country, and that they sall have no silk upon their clothes, except silk buttons and button-holes, and silk garters without pearling or roses;" but it was "lawful for them to wear their masters', or mistresses', old clothes." In burghs, only Provosts, or those that had been Provosts, were to be entitled "to have any apparel of velvet, satin, or other stuffs of silk," but it must be without "embroidering, or ony lace or pasments,[6] except only a plain walting lace upon the seams; and their wyiffs, their eldest sons, and eldest dauchters, to wear apparel in like manner." The wondrous inventive arts of the tailor and the milliner were dis-

[1] Corresponding.
[2] Dressed becomingly.
[3] Veiled or masked.
[4] Act Par., II. 49.
[5] Ibid., III. 40.
[6] Trimmings.

couraged, for it was enacted "that the fashion of the clothes now presentlie usit by men and women be not changit, under the pain of forfeiture of the clothes."[1]

WOOLSELLING AND CLOTHMAKING.

Hector Boece, in his Chronicles of Scotland, written in Latin, early in the sixteenth century, and translated shortly afterwards into the vernacular tongue by John Bellenden, describes Dundee as "ye toun quhair we wer born, quhair mony virtews and lauborius pepill ar in makying of claith." This occupation had before his time become a local industry of considerable importance. The material principally used was wool, although flax, grown in the country, and also imported from the "Easter Seas," was already employed in making those linens for which the town has since become famous. The home-grown lint was reckoned the more valuable; but it appears to have been scarce, and its use was restricted to serving for the wants and work of the household, when the daughters—the spinsters—applied their nimble fingers to the rock and spindle, the wheel not yet having come into use,

> "And the goodwife's shuttle merrily
> Went flashing through the loom;"

for we find that in 1582, the Council "ordanit that na persons presume to buy in the market ony hemmat[2] lint mair nor will satisfie their awn use and labouring, under the pain of confiscation thereof." Wool, the great staple for cloth-making, was, however, plentiful, and was then produced in the neighbouring glens, of fine quality. Boece says, "In the vale of Esk is sa quhit and small wool, that it hes na compair in Albion." There was no restriction to prevent the burgesses from buying it in quantity, but they had to be wary of the persons from landward that brought it into the burgh for sale, as they were given to

[1] Act Par., IV. 625.

[2] Home at : home grown.

1556. Oct. 5. sharp practices, and their dealings needed to be well looked after. It was found "that the common weill of the burgh is heavily hurt, and the inhabitants themselves gretlie defraudit, throw buying of wool fra the awners thereof in mirk[1] houses or quiet lofts; for remeid of the quhilk, it was ordanit that na neighbour buy ony manner of wool upon ony day in the oulk except Wednesday and Saturday, and then publicly and openly in the Mercat Gait, under the pain of twenty shillings; and that na unfreemen awners of the wool, that uses to have the same in lofts and mirk houses, pretend to open their doors quhairin the wool remains but upon the twa mercat days, and then to the effect that it may be brocht furth openly to the mercat place and gait to be sauld to the neighbours; and gif there remains ony unsauld, that they transport it again to their lofts until the next mercat day, and then sell it, and na otherways prevalie, under the pain of confiscation of the wool." The system of making surreptitious market in dark places, was, however, persisted in, and "the act against buying and selling of wool in lofts, buiths, and houses, in defraud of the buyers," was repeatedly ordered "to be publishit and put to execution in all points."

At a later time a special place was appointed for the wool market. "It was concludit that it be keepit be-east the tolbuith stair upon the heicht of the calsay," ("the crown of the calsay," was used as a proverbial expression for a conspicuous place,) "and that na persons hald mercat under stairs." Orders were also given "that nane of the weigh-house wechts be lent to ony person furth of the said house, specially to wool sellers, quha are understood to be unprofitable persons, within this common weill; and that the wool in all time coming be only weighit at the weigh-house," where the standard weights were kept.

1591-2. Jan. 17. Notwithstanding these injunctions, "the neighbours and inhabitants yet sustenit grite skayth throw certain unfreemen keeping open buiths and lofts at all occasions, and selling wool in mirk houses with unknown wechts, to the grite defraud of the puir and simple; [which is] forder liberty nor is grantit to free burgesses, although it is specially providit by diverse constitutions of the burgh that nane of the said persons sall be permittit to sell but in open mercat. And because it is likeways

[1] Dark.

understood that this defraud cannot be weill remeidit without" the dealers be removed from "the buiths and lofts possessit be them within the bounds of St. Clement's Kirk—quhilk is tryit to be maist improper for that traffic—therefor it is ordanit that na persons presume efter this hour to set their lofts, buiths, and houses" to the wool-sellers, "under the pain of ten pounds; and that sic as presently possess the same, be removit therefra be the proprietors at the feast of Whitsunday next to come, under the said pain."

St. Clement's Church, although dismantled at the Reformation, remained for some time undestroyed, and it appears to have been used for various purposes—amongst others, as a temporary Grammar School. In the burgh rental roll of 1581, it is described as "George Lowell's," or Lovell's "heirs land, some time callit Sanct Clement's Kirk." The erection of the tolbooth in 1562, upon the open ground between it and the Mercat Gait, had closed it in and darkened the front; and after the new school was built in 1589, it had probably been divided into lofts, and partly appropriated for the storage of wool. When the townhouse was extended backward, about ten years ago, portions of the old foundations were discovered, and these indicated that the Church had not been of any considerable size.

1598. Ap. 19. Some of the dealers afterwards returned to do business at the proscribed place. "Robert Nicolson and John Johneson were convict in the selling of their wool within lofts and mirk buiths, and were unlawed in five pounds each;" others, although they sold their goods in the proper way, did not accept of the just weight with a good grace. "Alexander Hering was convict in mispersoning of Violet Rind, gudewyiff of the weigh-house, saying, that she usit her office unjustly, and weighit his wool with her elbocks, and therefor the Council ordained him to pay forty shillings to the common warks, and make amends to the" slandered gudewyiff, "and inhibited him to offend ony person in time coming under the pain of twenty pounds; because he had diverse times of before been convict in troublance." He did not, however, amend his behaviour, for not long after he mispersonit two sergeants "in the execution of their office, be calling them false louns and knaves," for which he had to pay five pounds; and at a later time he struck "Alexander Law, cordiner, with ane durk in the arm to the effusion of

his blood, and being convict was ordaned to pay twenty pounds unlaw for the blood, and satisfie the pairty at the sicht of the Council."

In 1604, at a meeting of the Convention of Burghs, a complaint was made at the instance of Haddington, that the Council of Dundee exacted "ane fleece of wool of ilk pack, by thirteen shillings four pennies custom, and one pennie for weighing," on all that was imported into the burgh; and their commissioner was ordered to come to another meeting prepared to answer the complaint. But they sent no answer, and were "decerned to cease fra uplifting the fleece, at least until they produce their richt, gif they ony have."

The making of woollen cloth had been an important industry in old Dundee. Many of the women would have occupation in spinning the yarn, and the brabiners or weavers that wove the cloth were already numerous, and constituted one of the principal crafts of the burgh. They possessed charters and records of early dates, as also considerable property, and had erected and continued to uphold an altar in St. Mary's Church, to the honour of St. Severus, their patron saint.[1]

At an early time complaints had been made that frauds were used in the manfacture of cloth; and for remedy, Parliament, in 1540, passed an Act ordaining the appointment of persons for examining webs, and sealing or stamping them if found to be sufficient in quality and dye;[2]

1553. Oct. 2. and the Dundee Town Council afterwards chose "John Mand, Dean of Guild, sealmaster of all stikks[3] of claith, conform to the King's Acts made thereupon." It was found that some of the weavers were rogues, who not only manufactured evil cloth, but stole the materials from which they made it, and "it was ordanit that na manner of kensy wobs be made within thè burgh be ony of the inhabitants thereof, under the pain of tynsal of freedom, and gif they be unfreemen that brak the act, the claith to be confiskit and escheitit to the common affairs of the burgh; and that because the Council find the common weill gretlie hurt throw making of the said wobs be idle and insolent persons, having neither wool nor lit[4] of their awn, but privalie obtene and get them fraudfully of their neighbours." These ingenious brabiners had already discovered how to make shoddy and other sorts of

[1] Warden's Burgh Laws, 504.
[2] Act Par., II. 376.
[3] Pieces.
[4] Dye.

scandalous cloth, against which there was much indignation. "Sitting in judgement, and ripe avysment had for eschewing of the manifest ungodly fraud usit in this town be drawers and false colourers of claith, the matter being in presence of the Council, complainit upon and heavily lamented; and [to the effect] that order be put thereintil in time coming, conform to the Act of Parliament made be umquhile our soverane Lord King James the Fyft—quhom God assolize; efter lang reasoning and mature deliberation baith of merchants and crafts had thereintil, for the common weill and honour of the burgh, at last with ane voice, but discrepance, it was concludit, statute, and pronouncit, that na neighbour nor inhabitant presume efter this day to use or lit ony kind of false colours, or to draw claith,"[1] or put "ding, calk, creiche, eaird, or flaill[2] in claith, under the pain of escheating of the claith, the ane half to our soverane Lady's escheat, and the other half to the common guid; and to the effect that diligent trial and apprehension may be easily had of deceitful transgressors, it was ordanit that there be ane qualifeit man chosen to seal all claith, who sall have for his labour for ilk piece sealing four pennies; and gif he beis fundin culpably sealing insufficient colour, or drawn claith, to tyne his freedom, and be punishit in his person and guids; and the drawers for the first fault to tyne their freedom for year and day, and for the second, for ever." 1557. JUNE 10.

Then the Council "having consideration of the importable charge of the office of the sealer, and the grite difficulty in trying out of all manner of false colours and drawing of claith, devisit his diligence to be supplyit in this manner: that is to say, that all websters[3] in time to come sall weave in their marks in all webs they weave, to testify that they have leallie[4] and truly done their handywark: secondly, that thereefter the awners of the claith sall cause sew in their marks in the webs or they pass to the walk mylne,[5] to declare thereto that they are true colourit, and that they give na command to the walker[6] to draw them: thirdly, that all walkers have efter this day ane seal containing either their name or their mark, quhairwith they sall seal with lead[7] all claith

[1] Stretch it so as to measure longer.

[2] "Dung, chalk, grease, earth, or flachans"—otherwise, fibrous dust or shoddy. The Act of 1540 uses the words "dingand, calk, cresche, or flaland."

[3] Weavers.

[4] Loyally: faithfully.

[5] Fulling mill.

[6] Fuller.

[7] A colour made from white lead.

drest and handlit be them, in signification that they avow the claith undrawn," and neither "creashit, flalit, nor cardit,[1] and they to have for their labours twa pennies; and the walker that delivers claith labourit be him, unsealit, to be haldin culpable and a transgressor to be punishit." It was further "ordanit that the seal sall nocht be put to ony claiths littit either black or green furth of white claith," as these colours required to be dyed either in the wool or yarn. "Thomas Gardyne, litster, was chosen to the office of sealer of sufficient claiths; and to the effect that claiths and wool littit already whilk are nocht conform to the act may be dispechit,[2] the Council continuit the execution thereof till the Ruid day next to come, with certification till all neighbours, that gif ony insufficient claith be apprehendit efter that day, the act will be execute."

Further injunctions were afterwards given to the fullers and dyers. "The masters of the walker craft shall neither deliver nor set their marks to na claiths that shall happen to be dichtit be them, without they advertise the keeper of the common seal that he may set the samin to the claith;" and it was statute "that na birsall nor ursall" (which had been considered injurious dyes), "be put on na manner of wool nor claith heirefter." Then the owners of the cloth had their responsibilities defined; it having been "ordainit that gif ony neighbour have given claith to ony master of the walker craft to be dichtit, that he come oulklie upon Friday efternoon to the walker's bucht[3] quhair his claith lies, quhair he sall find the master sealer present, and receive the town's seal to his sufficient colourit and undrawn claith—whites and tartans only secludit; and gif the awner of the claith" do not come, "the sealer sall seal all sufficient claith quhilk he apprehends in the bucht," and the walker sall pay his fees. "And gif ony neighbour, being requirit be the walker and dichter to tak awa his claith within eight days efter the sealing thereof, and pay him the sealer's duty, and the price of his awn labour, refuses, then the walker sall be haldin to answer na farther, and quhat inconvenient stealing, skayth, or dampnage sall happen to come upon the claith in the walker's bucht, sall come and fall only upon the awner thereof."

1561. Feb. 23.

[1] Having the surface scratched with a card.

[2] Disposed of.

[3] Enclosure.

THE FLESH MARKET.

Although the use of animal food was prohibited during Lent and other days, the consumption would appear to have been large in proportion to the population. To ensure that this important necessary should be brought into the market, good in quality and reasonable in price, prysars or appraisers were appointed to value its skayth or faults, and to take care "that na man, neither in burgh nor land, buying beef or mutton in grite, have away his flesh from the merket until the time the same be seen be them, and direction be made thereupon as effeirs" —the object of this being to prevent the traffic of coupers, who bought in quantity and resold at profit. 1553. Oct. 2.

It was judged expedient in the interests of the town to have a special market built for the sale of animal food, and the burgesses were called together in public meeting to consider the matter. "The communitie of the burgh having been lawfully warnit be the hand bell to compeir" with the Council in the Revestrie of the Kirk, and there, "as use and wont is, to treat and deliberate upon the common weill; and the maist pairt of them compeiring, it was devysit and ordanit with common consent, that there suld be ane flesh house biggit upon the calsay be-west the Castle burn, quhair the myddings and the scald market[1] stand; and that the stanes of the Gray Freris be tane to the reparation[2] and bigging thereof; and efter lang reasoning and consultation being had of quhat form and fashion the flesh house suld be biggit, it was concludit that the flesher craft suld have their special vote and device for their awn easment and commoditie;[3] and Robert Watt, deacon, being avysit with, declarit that the craft would have the house biggit with ane grite parpale wall[4] in the midst, and their buiths to be in tofall ways on every side thereof, with the windows and doors to the foregait on every side. To the quhilk device of the deacon, the Council 1560. Oct. 14.

[1] Skin market.

[2] This word is often used in the sense of construction.

[3] Accommodation and convenience.

[4] Partition, or party wall.

and communitie interponed their decreit and authority, and ordained James Lovell, treasurer, to be the master of wark to perform and big the samin conform."

The Gray Friars' Monastery, which was demolished to supply material for this building, stood, as we have noticed, on the east side of the Friar Wynd, within the garden which afterwards became the burying-ground called the Howff. It was of much antiquity, and probably of considerable size, for within the chapel, important meetings upon national questions had been held in early times. The Friars, who in their day had done some service to civilization and to learning, were now found to be unprofitable impediments; and those in Dundee had just been cleared out of their old house, when it occurred to the burgesses to appropriate its stones to what seemed a more useful purpose. There can be little doubt but that the destruction of this edifice had been immediately effected; for shortly after, on 15th February, 1561-2, when Queen Mary and the Secret Council instructed certain burghs "quhair the places of Freris are yet standing undemolishit, to employ the same for hospitals, schools, and uther godlie uses—knawing that nathing is mair commodious"[1]—Dundee was not named as one of them, the goodly monastery having probably been already destroyed to supply stones for the new erection. When the house was ready for the roof, treasurer Lovell received instructions "to intromet and tak the readiest timmer in the new tolbuith"—then also in course of building, and no doubt out of the same quarry—"and put it to wark to the outred of the flesh house;" and shortly afterwards, it was resolved to apply part of a newly imposed taxation for defraying the cost of the work.

1562. Oct. 5.

The house then erected stood between the east end of the Market Gait and the lead of the Castle burn, upon the site that was afterwards occupied by the Trades' Hall. It had considerable accommodation within its bounds, there being twelve buiths, eight of them having lofts, round three of the sides, and "twa seats and ane chop at the east end." The buiths were leased to the fleshers at three pounds each; but after a number of years, the Council desired to have higher rents, and the tenants claiming to have a vested right in the building, refused to

[1] Reg. Privy Council, I. 202.

pay them. Having, however, been threatened with eviction, "the brethren of the craft referrit themselves anent their removing to the will of the Council, and it was concludit that they sall pay yearly during the space of five years the soum of four pounds for ilk buith, or else be instantly removit," and the treasurer was instructed "to convene and confer with the deacon anent their removing or paying of the mails and duties." They then appear to have submitted, and agreed to give the advance required. 1591. Oct. 12.

In the border land between the highlands and lowlands, within passes difficult of access, and almost beyond the jurisdiction of law, there were convenient haunts for cattle lifters, who often stole with impunity, and were able to dispose of their spoil in neighbouring borrows-towns. This nefarious traffic had been carried on in Dundee. 1562. Oct. 5. "It is notourlie knawn that diverse persons in the country and to landward, theftously steal sheep, kye, and oxen, and bring the bouks[1] thereof to sell in the market, and for concealing and colouring their theft, leave behind them at hame the skins, hides, and heads thereof, so that the marks of the samin can nocht be knawn, and the awners thereof restorit to their awn." The Council resolved to suppress this, and for remedy they "ordanit that na person bringing flesh to sell, presume fra this day furth to bring ony buiks of sheep, kye, or oxen without the samin have with them and ilk ane of them the skin, hide, and head presentit also, under the pain of confiscation of all flesh brocht be them wanting the skins and heads." Objection had likewise been made to keeping cattle alive in the town; and it was enacted "that sheep shall not be transportit furth, but be slain and presentit to the public market;" and again, that no one "shall buy ony sheep or cattle coming alive, but shall lat the awner slay the samen" and sell them "to the king's lieges"—the purpose of this being to secure the animals for the use of the town by rendering them incapable of being driven oft elsewhere.

The quality of the meat was always carefully looked after. "Twa masters of the flesher craft were sworn to apprise upon ilk Saturday all skayths of flesh in the market," and to see "that na carrion dead in pott or myr,[2] nor in ony sickness," be sold. And for insuring that 1564. Oct. 6.

[1] Carcases. [2] Pool, or mire.

the price should not be improperly raised, it was ordained that no person "attempt to buy and coup flesh for cutting of collops, nor to brak and top upon neighbours"—that is, to buy in bulk and sell in small quantities for profit—"under the pain of confiscation, and an unlaw of five merks unforgiven."

The prohibition by the old church of the use of flesh on certain days, was confirmed so late as 1555, by an Act of Parliament, which declared that "there is diverse insolent and evil-given persons that to the greit slander of Christian people, eats flesh in Lentrene and uther days forbidden be our halie mother the kirk," and ordained such to be punished by confiscation of all their goods movable, "and if the eaters has na guids, their persons to be put in prison."[1] But it may be doubted whether this Act was rigorously enforced at a time when it was alleged that even

> "The Monks of Melrose made gude kale
> On Fridays, when they fasted."

In 1567, restrictions were again imposed, in consequence of scarcity, by an Act "permitting the lieges only to eat flesh four days in the oulk, and inhibiting them fra all eating of the samin the three remanent days."[2] Although there certainly was plenty in Dundee during the previous September, when forty sheep were sold for thirty-one pounds, yet this Act was enforced there in a modified form—the abstinence being required only for the two days upon which the use of flesh was prohibited of old by canonical law. The Council having found that there was "grite exorbitant dearth of flesh within the burgh, throw eating thereof on days forbidden be the Acts of Parliament; therefore ordanit that na taverner nor alehouse [keeper], nor ony uther neighbour within the burgh, either privalie or openlie, pretend to eat flesh on Friday or Saturday heirefter, under the pains contenit in the Acts, quhilk sall be execute without favour," and the offenders' "names given in to the king's grace's roll; and sa aft as they fail, the Bailies to uplift ane unlaw of eight shillings of ilk person."

1567. JUNE 18.

[1] Act Par., II. 493. [2] Ibid., III. 40.

WEIGHTS AND MEASURES.

Although the heaviness of weights and the size of measures had at different times been defined by law, there continued to be a want of uniformity among those used throughout the country, which led to frequent contentions. It would appear that at an early time the grain measures in Dundee were of lesser capacity than those at some other places, so that the inhabitants gained considerably, in buying out of other people's vessels, and selling from their own. To insure the continuance of this advantage, strangers coming into the market with corn, were not allowed to have the use of the town's measures for delivery—it having been ordained "that na indweller of this burgh len his firlot to ony outman to mett ony victuals, under the pain of eight shillings to the Bailies' unlaw, and twenty shillings to our Lady's Werk," as St. Mary's Church fabric was called. But in 1555, Parliament declared "that na burgh shall have ane wecht or measure to buy with, and ane uther to sell with," and appointed commissioners "to cause the elwand, the quart, pint, firlot, peck, stane, and pund, to be brocht fra Striviling, Linlithgow, and Lanark," (the standards being kept in these towns,) "and to mak from them ane universal measure and weight by which the haill lieges sall be haldin to buy and sell."[1] After this the Dundee Council made a reformation, and concluded "that the market metts, and the water metts," (those which were not heaped when being used,) "shall be in all time to come conform to those of Edinburgh and Leith;" and "that there be but ane stane weight to contene" sixteen pounds of sixteen ounces, "and that to be usit only, as weill in the common weigh-house as in private buiths, for buying and selling all manner of stuff."

1553. Oct. 2.

1559. Oct. 2.

A general Act which had been "made anent the quantitie[2] of salmon barrels throw the realm being of alike measure," was also ordered "to be put to execution in all points, with the addition to the

[1] Act Par., II. 496.

Capacity.

coopers of the burgh, that they and ilk ane of them mak their barrels of na other measure but the foresaid"—an instruction to which they did not, however, conform, but continued to make "diverse and sindry measures of salmon and herring treis,[1] some less, some mair, to the grite hurt of buyers of fishes and others using merchandise within the realm;" and the treasurer was instructed "to cause fetch hame furth of Leith, ane salmon and ane herring tre of the common buird;[2] and every cooper within the burgh to tak his measure efter the same, and to have ane birn iron bearing his mark, to the effect he may birn all barrels made, to testify" that they are of the standard guage; "and gif the treis then made be him beis found faulty or nocht brint with his mark, they sall be brint [up] at the Croce be the officers." There was a difficulty in getting some of the coopers to "mak their salmon barrels guid, and sufficient to contene eleven gallons and ane half at the least, and the herring and keling[3] treis nine gallons;"[4] and Robert Selkirk, although affirming that he would "conform himself thereto," took exception to the burning of his mark in testification of the size, but this "he was decernit to do, under the pains."

The Bailies and Dean of Guild "took diligent trial and inquisition of all wechts, measures, metts, and elwands," and whoever "was found to have ony wrang or false," was punished by fine and loss of freedom, "and by the destroying of the false wecht or measure." They also put to execution "the act made anent uniformity of stoups," excepting those for "ale and wine," and "sufferit na stoup within the burgh in man's house, but of the measure of the jug of Striviling," and to this standard
1582. Ap. 25. the wine measure was subsequently made conformable; and they continued to "search and seek all metts, stanes and other small wechts, and elwands and all sic measures, to cause ane universal order to be had thereof amang the inhabitants without respect of person." Again, some years later, they made another visitation "of the haill stoups and measures, and tryit the sufficiency thereof be measuring them with the jug of Striviling, and sic as they fand disagreable thereto, they brak

[1] Barrels.

[2] Standard.

[3] Cod.

[4] By Act of Parliament the gallon measure was defined, in 1425, to be of capacity to contain twenty pounds eight ounces of the clear water of Tay.

and destroyit. And thereafter they commanded David Gray, pewterer, to observe the foresaid jug, and na way to cast ony stoup to ony other measure nor that quhilk agreeit therewith."

1611. Ap. 30. Notwithstanding this diligence, the Council found "that they sustened grite slander be their toleration of the neighbours to receive or deliver victual with any other measure nor the toll firlot, agreeable with the stand of Linlithgow; albeit they have been maist free of that imputation, because the samin hes not come to their knowledge before this time." So they again prohibited the use of any other than the standard measure, "providing alway that it be lesum to receive and deliver victual, transportit be sea to this burgh, be the water mett, conform to the auld acts observit be all the burrows of the realm having sea ports." Some oversized measures were lying in the tolbooth, which, to the profit of certain neighbours, had been employed for taking delivery of grain, and the Council in a fit of virtuous indignation ordered "ane cooper to saw off all the half-boll metts ane half-foot of the heicht thereof, to the effect the same be na way usit heirefter as measures for receiving of bear or corns," and these would not be again employed for that purpose.

1616. Jan. 9. The improper practice was not, however, discontinued, and "complaint was made to the Council, that the haill victual and corns delivered within the burgh, are received with the half-boll mett, to the grite hurt and prejudice of noblemen, gentlemen, and others his Majestie's lieges, quha send their victual to be sauld there, and to the grite slander of the magistrates and office-bearers within the samin; and this notwithstanding that it is expressly [enacted] be diverse laws of the burgh, that na measure be usit within the liberties thereof except the toll firlot only, under grite pains." This remonstrance stimulated their diligence, and they "faithfully promised to put the act to execution against all the contraveners but respect of person; and ordained that in case it should please the deliverer of corns and victual, for his dispatch, to deliver the same with any other vessel, that the receiver at the time sall, in the presence of the deliverer, buik[1] the vessel with the common toll firlot, so that the deliverer may be certifeit that he is nocht defraudit."

[1] Compare the bulk or size.

1643. May 15. At a later time, when the standard was in use, several landward men made a complaint "against the common mett and measure of the burgh—quhilk is the just double of the toll firlot fixed be the laws of the kingdom—quhairin they alleged that it was more nor that which is allowed, by ane pint, ane mutchkin, and ane quarter;" and the Council instructed "some of their number to try this particularly; who, having very narrowly tried the same, both with wheat and water, did find there would be no considerable difference. Quhairupon they ordained the complainers to be fined—John Man in respect he did submit himself, as also John Wilson—every ane of them in the soum of aucht pounds, quhilk was offered freely of their awn accord; and continued Patrick Ruthven's censure till his brother's return, at the quhilk time they both were also to be unlawed."

Although it was found that these men had not suffered the fractional injury which they alleged, other strangers had been seriously defrauded. "Alexander Watson, younger, lately bought beans from Englishmen, and wronged the burgh very far in reputation by using the mett for bear," when he "should have received" the beans "be the ordinary water mett, the difference thereof being four pecks." This was proved by "the deposition of David Scott, metter, and John Muffet, warkman, who deponed that Alexander desired them to bring the greatest mett for measuring the beans, and that at the beginning of the carrying, it was told to him that the measure should be the water mett, not the bear mett, and yet he had received ane great quantity therewith." The Council did not desire to have any such revenge upon their "auld enemies of England," and they found that "those who sold their victual were much abused and wronged, the town extremely prejudged in reputation, and the Acts of Parliament contemptuously transgressed," and they all "in ane voice unlawed Alexander in the soum of two hundred pounds, and ordained him to repair in ward until he satisfy the same." Thomas Scot, whose actions, as we shall see, were sometimes called in question, was also, "be the deposition of warkmen, proven" to have committed "a like offence, and he was unlawed in ane hundred merks." Alexander Bower, a man having lands, had likewise been suspected of preying upon these Englishmen; but "instead of any probation, the same was referred to

his ayth, and he being sworn, deponed negative, and therefore the Council assoilized him."

After this it was judged expedient that the measures should be placed in proper custody, and James Auchenfleck, mariner, had "the water metts and measures delivered to him, and he to be the keeper thereof, and to receive the duties and casualties belonging thereto; and he accepted and gave his ayth *de fideli* administration."

1589-90. JAN. 16. A petition having been "given in, desiring that the stane wecht and the other small wechts effeiring thereto, be reformit," the treasurer was instructed "to prepare all materials necessar to the Dean of Guild making of them just;" and the Dean was ordained "to visit those of the weigh-house, and reform them according to the like weights usit in other burrows within the realm." The weigh-house, which has only recently been removed to permit the extension of the townhouse, stood against the west end of old St. Clement's Church. It was a heavy stone building, with a curious wooden gallery running along its front, which gave access to the upper floor and protected the entrance to the booth beneath, where the standard weights and scales were kept by which all disputes were settled. The weights being of lead, were found to be untrustworthy, and "be commandment of the Dean, iron wechts were brocht fra Flanders to the furnishing of the weigh-house, and the leaden ones" were sold, and the price applied to their payment. The beam had also been defective, and the treasurer was subsequently instructed "to cause buy in Flanders ane sufficient balk and bredds for the weigh-house."

1611. AUG. 13. There still continued to be discrepancies among weights, and the Council had to repudiate the standard they before established. "Understanding that be ancient custom and consuetude observit within the most pairt of the free regal burrows of the realm, there is na wool, butter, cheese, tallow, Scots lint, candle, and the like hemmat guids delivered be ony uther nor the tron stane of Lanrik, consisting of nineteen trois pounds; and that notwithstanding this, there is certain neighbours quha are and hes been in use to deliver" such articles "with the trois [stane] wecht—at the least with ane wecht less nor the tron—albeit" they had "bocht them of before with the tron;" these persons were therefore enjoined "not to sell ony Scots guids with

ony uther nor the tron wecht," or at least "with ony uther wecht nor" that by which "they have coft them." This stone of nineteen pounds was an improper weight, maintained in use by custom, and which, although not legalized, had been placed along with the standard in Lanark. In 1617, Parliament appointed commissioners—the town-clerk of Dundee being one—to make an investigation regarding the stone, and they defined it to be sixteen troy pounds, and declared that the stone weight called of old the tron should be abolished;[1] notwithstanding which, it continued to be used for long after.

THE SUPPLY OF COAL.

By the middle of the sixteenth century, although coal had not yet become an article of universal consumption, the convenient access which the port afforded to the great Fife fields, caused it to be pretty generally used in Dundee; and it was already recognised as an im-

1554. Oct 1. portant necessary which required to be distributed economically. The Council enacted "that na neighbour buy coals in grite, mair nor will reasonably serve his house; and gif it beis funden that ony taks out chalder, boll, or creill, in regrating upon"—or reselling at profit to—"neighbours, the faltour being funden be the Bailies," shall for "the first fault pay five merks, for the next, tyne his freedom." The inhabitants were still supplied with "fual sic as peats, turves, hedder, and fir," by cairds and vagabonds who somehow possessed themselves of these combustibles, and got "liberty to come and pass throw the streets and gaits of the burgh, and staik[2] and serve the community, providing that they made na residence nor bade in na certain place"—for they were useful visitors but most undesirable neighbours.

1582. Oct. 1. The importation of coal having increased, two deacons or superintendents were appointed "to mak ane buik and contein therein the number of all coal boats arriving, the names of their masters, and the quantity in the boats;" and also to mett or measure "the coals trans-

[1] Act Par., IV. 438. [2] Accommodate.

ported into the burgh; the instructions given to them being—first, that they sall tak na mair price" for measuring "fra the puir but according to sixteen pennies for the chalder: next, that they sall serve the necessity of the puir before ony others at all occasions: thridlie, that they sall suffer nane to fill the creills[1] but themselves: feirdlie, that they sall suffer nane of the coals to be broken with axes: and fyftlie, that they sall na way disappoint the puir be serving of extraneans[2] and strangers." And afterwards, when the deacons required help at their work, and "grite skayth was sustenit through the number of persons that commonly without order filled the coals," it was "concludit that there sall be only ane filler with each deacon."

1595. Oct. 7. Notwithstanding these rules, "grite confusion and abuse had been introducit," and it was further ordained "that nane of the deacons tak ony mair duty fra the puir or rich nor ane pennie the creill: that they distribute to na person efter Michaelmas above twa bolls at ance, except to sic as furnish their awn boats for transporting of the same, quha sall have ane griter quantity, at the discretion of the Bailies: that they suffer na way the statute price" of the coals as fixed by law "to be alterit without consent of the Bailies and Council: and that na coals be loissit[3] but at the Shore, the Horse Wynd, the Castle mills, and the Schoolhouse Wynd," which was the name that St. Clement's Lane bore after the Grammar School was erected there.

1605. Dec. 31. Much consideration was shown for "the necessity of puir neighbours indwellers within the burgh," who suffered "be the laik and want of coals to the furnishing of their houses, which was found to proceed only fra the sleuth and indiscretion of the metters, and fra their partiality in the distribution." To remedy this, and to secure that all "be weill servit in the winter season, the Council ordained that there be another metter, "and that the number of the bearers be augmentit to twenty-four; and that betwix Mertimes and Pasche the deacons distribute na griter quantity nor twa bolls to ony person; and that they mett na coals under silence of night; and siclike, that they exact na denner drink of ony of the bearers at their admission; and that the creills be yearly measurit be the Dean of Guild."

[1] Wicker baskets in which the coal was measured and carried.

[2] Persons coming from a distance.

[3] Discharged.

1609. Oct. 3. The consumption of coal having become more general, it was found necessary to further improve the system of distribution, in which there had lately occurred "grite disorder, by metters and burden bearers in the dischairge of their offices exacting exorbitant and importable fees of neighbours, and others his Majestie's lieges resorting toward the burgh." The Council therefore "ordanit, under the pain of punishing in person and geir, as the gravity of the offence should require, that the metters exact na griter duty for their laubors nor twa pennies for ilk creill: that they permit nane of the awners or mariners to brak the coals with axes or other instruments: and that ilk day in the summer season they attend continually betwix five and nine hours in the morning, and betwix twa and seven hours at nicht; and in the winter season, betwix aucht and eleven hours before noon, and betwix ane and four hours efter noon." These last named periods of labour serve to illustrate the old familiar expressions—"eleven hours" and "four hours," which have hardly yet lost their significance, as denoting the mid-day and the evening meals.

The bearers were enjoined "to keep the same hours preceislie, and to tak na griter dutie for their burden nor the following—viz., for ilk creillful layit upon the Shore, twa pennies; for ilk creillful borne be them to ony pairt betwix the Shore and the Freir Wynd," (now Barrack Street,) "and Cowtie's Wynd," (otherwise Spalding's Wynd,) "upon baith sides of the streets, at the west, and the flesh shambles at the east, six pennies; for ilk creillful carried to ony pairt betwix the said Wynds and the new Barress Ports at the west, and betwix the said Flesh shambles and the Murraygait Port and Seagait Barress Port at the east, aucht pennies; and for ilk creillful carried to ony other pairt of the burgh without the Barresses and Ports, twelve pennies. And siclike, that all the bearers with steyngis callit shuldermen, keep the statute above written; and that they nor nane of them tak ony mair for their lift nor the before mentionat, according to the distance of the place fra the Shore." These shuldermen went in couples, having on their shoulders steyngis, otherwise stangs or poles, from which they carried the creels.

REPAIRING HOUSES DESTROYED BY THE ENGLISH.

For many years Dundee did not recover from the injury inflicted by the English, when they plundered and burned it in 1548. Some of this was indeed irremediable, for the valuable ancient archives were in great part destroyed, and the noble pile of St. Mary's Church was irretrievably defaced. During the time which immediately followed the invasion, the restoration of the injured buildings appears to have proceeded very slowly; but after Mary of Lorraine was firmly established as Regent, while her daughter, the young Queen, remained in France, the burgesses, recovering somewhat from their prostration, began to rebuild their ruined town.

Before this, it is probable that the most of the dwellings had been covered with thatch—a material which was so dangerous from risk of fire, that on different occasions Parliament altogether prohibited it from being used in Dundee and several other towns. Slates of a coarse grey quality were obtained in the Sidlaw Hills and other places conveniently near; but a demand having arisen for them from distant towns, the re-edifying of the buildings was hindered by "an inconvenient dearth of sclates, quhilk for sometime had been caused through forestallers buying them without the town, and transporting the samin till Leith and Edinburgh, and all other places, to the grite hurt of the common weill. For eschewing of this," the Council enacted "that na neighbours, freemen nor unfreemen, buy sclates in grite quantity, but sa mony as may suffice the necessity of their awn proper biggings; and gif ony beis convict for this fault, that the transgressors shall be poyndit" for fines, and their slates escheated.

1555-6. JAN. 3.

Notwithstanding this restriction, the objectionable traffic still continued, the slates having even been exported out of the burgh itself; and the Council, along with the burgesses, met to devise other means for remedying the grievance; and they "having taken consideration of the grite decay of the burgh, and the destruction of the policie thereof be their auld enemies of England in the time of war bygane, and how

1556. OCT. 5.

that for reparation and re-edifying" of the houses, "it was necessar that all manner of commodities that may be had be diligently tane regaird of, and in special that the sclates quhilk are brocht to the burgh, be applyit to the reparation of the policie thereof;" and having found that these had been "abstractit and tane away be certain particular persons, and therethrow ane exorbitant dearth raisit, they therefore devisit that na manner of person transport or carry away sclates furth of the burgh, or from any pairt within the freedom of the samin, either in boats or on horsebacks, under the pain of twa pennies for ilk hundred sclates that beis transportit."

PUTTING AWAY BEGGARS AND VAGABONDS.

1558-9. Jan. 10. Improper and stranger mendicants were not allowed to burden the town, and unprofitable and evil neighbours were warned off. The Council ordained "that na beggars be tholit[1] but they quhilk are born within the burgh, and nane be sufferit to beg except they have the town's seal upon their hat or cloke, and be auld, cruikit, lamit, or debilitated be grite sickness" so that they "may nocht laubour nor wirk for their leving; and gif there be ony others within the burgh," that they "dispatch them off before Sunday nextocum, under the pain of burning upon the cheek." And also, "that na vagabonds that hes na occupation nor masters to serve quhairby they may leve and have sustentation, and na manner of nicht walkers, dysars,[2] cartars,[3] nor drunkards remain within the burgh; certifying [such] that gif they be found they sall be put in firmance and prison unto the time that inquisition be tane of their guiding and manner of conversation, and gif they be found culpable, shall be banished, and punishit otherways in their persons, according to their demerits; and that na neighbour give harborie to sic-like persons, but incontinent shew them to the officers or Bailies."

[1] Allowed.
[2] Dice players.
[3] Card players.

"This act made for the searching of vagabonds and taking of privie inquests," was afterwards directed "to be put in execution quarterly, four times in the year;" and it was enacted "that na man ressait nor tak in his house them quhilk are convictit as unlawful neighbours and vagabonds, and so banishit;" and should this be done, "the ressaiter to tyne his freedom gif he be free, and gif unfree, be banishit. And gif ony man set his house to ony strangers or ony other vagabonds," he shall "tak caution of the man or woman to be ane sufficient neighbour, and failing thereof, quhat danger or skaith comes of the unlawful tenants, the master or awner of the house" shall be bound "to recompense the same." 1561-2. Jan. 10.

At subsequent times, "the auld acts for expelling beggars and vagabonds, were again put to execution with all severity;" but to the honour of the town, and to learning, poetical and literary vagabonds, who were proscribed by law, are not enumerated in any of the proclamations, as offenders against civil order. In the time of James II., Parliament ordained, "That gif sic as maks themselves fulis, and are bards or sic uther rynars about, be fundin, that they be put i' the king's ward, or in his yrnis as lang as they have ony guids of their awn to leve upon;" and after their means become exhausted, shall have "their ears nailit to the tron, or to ane uther tree, and then cuttit aff, and [themselves] banishit the country; and gif theirefter they be fundin, that they be hangit."[1] This Act was confirmed by another in 1574, which defined vagabonds to be, "those using subtle, crafty, and unlawful plays—as juglerie, and sic uther idle people calling them Egyptians, or ony uther that fenzies them to have knowledge in physiognomie, palmestrie, or uther abused sciences, quhairby they persuade the people that they can tell their weirds, deaths, and fortunes: all idle persons being haill and stark in body and able to wirk: all menstrels, sangsters, and tale tellers: all vagabond scholars of the universities, not licencit to ask almous: all ship men alleging them selves to be ship broken, without they have testimonials:" and specially named "Irische and Hieland bards and beggars," as persons who were not to be "receivit in the Lawland or utherways, but to be transportit back again."[2]

[1] Act Par., II. 36. [2] Ibid., III. 86.

THE FIRST PROTESTANT CONGREGATION IN SCOTLAND.

In the course of those stirring events which marked the progress of the Reformation, the burgesses of Dundee from the first took an active part, and did much to forward the great movement. They had amongst them some earnest and courageous men, who felt that the work was needful, and that the time for doing it had come, and who resolutely, in no half-hearted way, put forth their hands to help it on. The Wedderburns, who were the sons of a merchant at the West Kirk Stile in the Overgate, in especial distinguished themselves by what they did to prepare men's minds for the change. James attacked the errors of the old Church, by writing satirical plays upon them, after the manner of Sir David Lindsay, and these, as we shall afterwards see, were acted in the town, and were not without effect in the controversy. "John, his brother, being persuaded by his friends, albeit against his will, took on the order of priesthood, and was a priest in Dundee; but soon after he began to profess [the reformed] religion. Being summoned,[1] he departed to Germany, where he heard Luther and Melancthon, and became very fervent and zealous. He translated many of Luther's dytements into Scottish metre, and the Psalms of David."[2] Professor John Jonston says, that "he sang of holy things, and held by a pure faith, and hence became dear to the upright."[3] Robert, the youngest brother, excelled the other two "in humanity and knowledge of the Scriptures." When he left college he went to Paris, and remained there in the company of some of the early reformers. "After the death of Cardinal Beaton, [in 1546,] he returned to Scotland and got possession of the Vicarage of Dundee."[2] He is generally considered to have

[1] In the Lord Treasurer's accounts, for 1538-9, there are some references to his prosecution, which have been printed by Dr Laing in his notes on the "Ballates."

"Item, in full of the composition of the escheat of goods of Mr John Wedderburn convicted of heresy, in favour of his brother Henry Wedderburn, . . . xl^{s}.

"Item, delivered to Johnne Patersone, pursevant, to pass to Dunde to search James Rollokk's gudis, and Maister Johnne Wedderburn's, ... xx^{s}."

[2] Calderwood's Hist. of the Kirk, I. 142.

[3] In a Latin poem in M'Crie's Life of Knox.

been the author of that remarkable production, "The Complaynt of Scotland." John and he conjunctly wrote the popular collection of "Ballates changed out of prophaine sangis for avoyding of sinne and harlotrie," which was highly valued and much used "to quicken an refresh" the first reformers. Jonston, who had probably known the brothers, thus apostrophises them:—"Harmonious minds and most distinguished ornaments of your race! Three equal in learning and in piety. Happy your parents and the land which gave us pledges so rare! Begotten in heaven, distinguished Alectum bestowed you on the earth, from whence I reckon it to have the name DEI-DONUM."

The printing press had by this time begun to make its influence felt, and it became a powerful auxiliary in the cause of the Reformation. The death of the Cardinal, and the strong position which John Knox and his friends then maintained at St. Andrews, for the time paralysed the zeal of the Churchmen, and, apparently with the connivance of the Provost and other leading men, an opportunity was found for establishing a press in Dundee to aid in diffusing the new doctrines. None of the books then printed by John Scott have come down to us, and we can only surmise what they were. The "Buik of godlie psalmes and spirituall sangis," which was otherwise called "Wedderburns' Songs," and sometimes "The Dundee Psalms," would no doubt be one of them; and probably some of Sir David Lindsay's or Wedderburn's caustic writings had also been produced. The following year, when troops were expected from France to assist Regent Arran in asserting the supremacy of the Church, measures were taken for suppressing the printer; and John Scrymgeour, of Glastree, Constable and Provost of Dundee, was charged "by our soverane Lady's letters, to tak and apprehend Johne Scott, prentar, and bring and deliver him to the captain within the Castle of Edinburgh, to be punished for his demerits and faults, under the pain of treason." In obedience to this charge, Scrymgeour, on April 5th, 1547, compeared before the Lords of Council, but without the printer, and "allegit that he had done his diligence," and showed "how he had socht for Johne Scott, and could nocht find him;" and when they, evidently doubting his willingness, again imperatively "ordained him to do his exact diligence for the seeking and searching of Johne within the bounds of his office," and this

"under the pain to be repute and haldin as art and part takar with him in his evil deeds," he, perhaps on account of conscientious scruples, but more probably because he had no liking for his responsibilities, "renuncit in their presence his office of Provostrie of the burgh of Dundee, and never to have intrometting therewith fra hyne furth in times to come."[1] The trouble which came upon the town shortly after this through the English invasion, and their occupation of Broughty Castle, made it then no convenient place for the further practice of the printer's peaceful art.[2]

[1] Reg. Privy Council, I. 69.

[2] John Scott appears to have subsequently established his press in St. Andrews, and there he probably printed the first complete edition of Sir David Lindsay's works in 1559. He afterwards printed at Edinburgh, an edition—the earliest which is known to be extant—of Wedderburns' "Buik of godlie psalmes and spirituall Sangis." An unique copy of this is in possession of Mr Patrick Anderson, Dundee. It unfortunately is without the title; but there can be no doubt that it is an older edition than the one of 1578, reprinted by Dr Laing, as it wants five of the hymns contained in the latter, which bears upon its title to have "augmentation of sindrie gude and godlie Ballatis not contenit in the first editioun." Printed upon the last leaf, evidently as a contemporaneous advertisement, is the title of the first complete edition published in Scotland of Sternhold's metrical Psalms, of which there is probably no copy in existence:—"The Haill Hundreth and Fyftie Psalmes of David in Ingl. meter, be Thomas Sternholde, with utheris diveris Poyetis, quhilk completis the haill Psalmes. As efter followis of the best Interpretatouris. Imprentit at Edinburgh be Johne Scot. Anno Do. 1567." The title of the book itself, had no doubt borne the same date and imprint. It contains one poem which has been omitted in the edition of 1578, evidently because it does not have the spiritual character which all the other "Ballates" in the collection possess. This is a simple and harmonious lyric, written probably by Robert, and its perusal will cause the reader to regret that no other verses of a similar nature, by a local poet of such excellence, have been preserved to us.

Welcum fortoun, welcum againe,
The day and hour I may weill blis,
Thow hes exilit all my paine,
Quhilk to my hart greit plesour is.

For I may say, that few men may,
Seing of paine I am [re]drest,
I haif obtenit all my pay,
The lufe of hir that I lufe best.

I knaw nane sic as scho is one,
Sa trew, sa kynde, sa luiffandlie;
Quhat suld I do and scho war gone?
Allace! zit had I lever die.

To me scho is baith trew and kynde,
Worthie it war scho had the praise,
For na disdane in hir I find,
I pray to God I may hir pleis.

Quhen that I heir hir name exprest,
My hart for joy dois loup thairfoir,
Abufe all uther I lufe hir best
Unto I die, quhat wald scho moir.

One of the most distinguished reformers connected with Dundee was George Wishart, a noble-hearted and courageous man, who was also "courteous, lowly, glad to teach, willing to learn, modest, temperate, fearing God, and hating covetousness;" and who possessed such good affection toward the town, that when it was scourged by the plague, "and the people were in trouble and needed comfort," he went among them, not heeding the peril, and by a ministry of consolation and good deeds, "comforted them as he could." With simple earnestness he bravely did his part in helping to purify the Church, and through his noble stand against the arrogant power of Rome, and in especial by his heroic death, strengthened and confirmed those of the new faith. Then there was Provost Haliburton, a stout and worthy scion of a good family, he stood almost at the forefront in the conflict; for he governed the town during the crisis with much discretion, and when the occasion came, he carried a company of his brave burgers to help the Lords of the Congregation in their patriotic struggle on behalf of the good cause of free conscience. And lastly, there was John Knox himself, who began his public work by bearing a sword wherewith to defend George Wishart, and who never did shrink from exposing shams or confronting dangers; he raised his mighty voice in the town, and stirred the people into action, so that, before the Roman Pontiff had ceased to rule the land, they revolted against his authority, and formed a congregation among themselves. For they "exceeded all the rest in zeal and boldness, preferring the true religion to all things temporal;"[1] and Dundee thus had the distinction of being "the first town in which a reformed church was completely organized, provided with a regular minister, and favoured with the dispensation of the sacraments."[2]

Paul Methven, the pastor of this church, was a native of Dundee, and originally a baker there, but at an early time he began to instruct the people in the doctrines of the Reformation. "For his preaching publicly in the town in 1558, he was summoned before the Queen Regent, and failing appearance, was [ordered to be] banished; yet his fellow-townsmen gave him protection, and even Provost Haliburton declined to apprehend him on the royal command. He was again summoned in 1559, but not appearing, was denounced rebel for usurping

[1] MS. cited in M'Crie's Life of Knox, II. 403. [2] Life of Knox, I. 230.

the authority of the ministry of the Church, and taking upon himself the service thereof, not being lawfully admitted thereto."[1] In 1560, he was translated to Jedburgh, and William Christeson was appointed in his place.

1559. Oct. 2. The reformation in the church of the burgh appears to have been effected with the almost unanimous concurrence of the inhabitants, and the full authority of their rulers, without any national sanction. Being careful that the new order should be recognized with due honour and reverence, the Council took measures for upholding it, and ordained "that quha blasphemously speaks of the ministers, elders, or deacons of the congregation, against their precepts and counsels, or of the order of discipline, sall incur the pain contenit in the act made against them that blasphemes the Provost, Bailies, and Council." They afterwards made proclamation "in special against sic persons as raise sedition, or make tumults, discords, troublance, or disobedience to the magistrates and officers, either ecclesiastical or civil;" and ratified "the acts made of before concerning obedience to ecclesiastical magistrates and their discipline in the order of religion; with this addition, that gif ony person be warnit to compeir before the assemblie,[2] and disobeys, the first time he sall be convict in the pains made in the acts; and gif he be warnit the second time, and disobeys, the officers sall tak and apprehend him and put him in the steeple, there to remain in ward be the space of twenty-four hours, and then nocht to be latten furth of ward unto the time he find caution to compeir before the assemblie."

1562. Oct. 5.

1562-3. Jan. 11. Measures even more sharp were afterwards taken with those attempting to evade the rule of the church courts. "Gif ony person be convict before the minister and elders of the congregation of ony crime or fault, and promises in their presence to obey the order of discipline, and taks ane day to present him to obey the same," (probably by sitting upon the stool of repentance openly in the kirk,) "and theirefter deludes, mocks, and delays, to present himself, and the day appointit being past, then, gif the offender have geir, he sall be poyndit for twenty shillings, quhilk sall be given to the puir, and his person put in captivity be the space of forty-eight hours, and nocht to be latten furth unto the time he find souerty that he sall obey the order of discipline; and gif the

[1] Fasti Ecclesiæ, III. 683.

[2] Kirk Session.

offender have na geir, he sall remain in captivity the space of eight days, sustenit upon bread and water."

The men of the Reformation made a very noble fight to gain unrestricted liberty of conscience; but success did not teach them magnanimous forbearance toward their opponents, and the spirit of the time continued to be unfavourable to religious freedom. Parliament passed penal laws against those who adhered to the old Church, and it became unsafe for any one to defend it, or to call in question the doctrines or jurisdiction of the new order. We may lament, but perhaps can hardly wonder to find, that the fathers of the city, who had braved great dangers to secure for themselves the right to exercise free judgment, should inaugurate a system of espionage and control over men's opinions by proclaiming, "That forsameikle as some venturous ingyneis[1] uses to mak argument and dispute against the guid true religion and order thereof, and discipline universally [established] within this realm, quhairby God and his religion and word is dishonourit and blasphemit, and papistrie and its detestable reasonings are usit and defendit, express against the Acts, thereby incurring the pains contenit thereintil; quhairfor it is ordanit that na person of quhat estate or degree that ever he be of, presume within this burgh to mak or hald the said arguments or opinions, under the pains contenit in the Acts;" and that no "maister nor awner of the house quhair the disputations are made, sall [fail to] come incontinent to the Bailies and give up the names and opinions" of the disputants, "to the effect that they may be sent to the" ecclesiastical authorities "conform to the said Acts; and gif the awner of the house, or the hearers of the argument, reveal nocht the samin as said is, they sall tyne their freedom for ever."

1568-9. JAN. 21.

At a later time, the Council solemnly confirmed their ordinances regarding the reformed doctrines, and proclaimed "be common consent, that the merciful God shall have his due honour and glory within the bounds of this burgh and jurisdiction thereof, and that the true religion instantly[2] teachit thereintil shall be maintenit, and discipline execute upon all persons according to God's holy word, the Acts of Parliament, and statutes of this burgh made of before."

1580. OCT. 4.

[1] Persons of venturesome ingenuity. [2] Presently.

ST. MARY'S CHURCH.

The grandeur of St. Mary's Church was altogether marred when the English burned it at their occupation of the town, and yet much that was beautiful in the structure still remained. The nave was broken down, and the transepts lay in ruins; but the chancel, although defaced and spoiled, was not destroyed, and the noble tower was left, and happily yet remains, to testify how stately and dignified the whole pile had been. After a time the choir was walled off from the ruins, and roofed anew with slates in place of lead; and when the Reformation came, the newly organized congregation used it as the parish kirk. But there were no means for making the place commodious. The considerable revenues which belonged to the chapels and altars, and were derived from various sources, hardly seemed to appertain to the simpler ritual, and some of them had been scrambled for and appropriated to other uses, so that little could be secured either to re-edify the fabric or to support the services of the church. At a later time many of the endowments were recovered for the use of the town, but those in possession were found to be of precarious tenure and of doubtful value. To help their collection, the Council resolved "that there be ane honest godlie and famous man, and ane most notable, placit and put in the office of kirkmaster," to exact "payment of the teinds bypassit and to come, and to poynd for the kirk duty summarily as law will; and he to give ane aith for due execution of his office, and to be obeyit therein." But it does not appear that he was able to gather much of the old revenue.

1561-2. JAN. 10.

The kirkyard had remained in a ruinous condition, after the spoiling of the church. The walls and the gates were broken down, and it became a receptacle for rubbish, and was appropriated to disreputable purposes. Stones and timber belonging to the inhabitants were spread upon the ground, middens were laid by the walls within and without, and brewers used it as a convenient place for the dichting or winnowing of their malt. The new kirkmaster was now instructed to

have these matters amended; to cause "the dykes and stiles be put up again," so as to "keep the kirkyard honest and close," to have "all stanes and trees removit incontinent under the pain of confiscation, and also the red[1] and middens there presently lying, be the layers of the same;" and should any man in time coming lay down "timmer, red, or stanes, or dicht malt in the kirkyard, to unlaw him in forty shillings." As for "the man or woman" who might act indecorously "in the kirk or kirkyard," he was enjoined to punish the offender by a fine of "five shillings, or douking in the sea." He was also ordained "to take the oversicht and charge anent the knok, and the bells ringing, and of all things toward the kirk and the duties thereof, and the honestie of the kirk" as well as of the kirkyard.

1563. Ap. 19. "Thomas Logy was chosen to be the sacristan, to ring the bell at all times appointit, that is to sermon, prayers, curf, and matin;" (the curfew is still rung as it has been from a remote time, the matin bell also, but its call is not now to prayers but to work;) "he had also to order the kirk, keep the samin clean, and prepare water for baptism, and uther services usit of before, for the quhilk causes there was disponit to him four pennies of ilk person that pays taxation, and four pennies for every bairn baptisit, and four pennies for ilk person marrying—the puir always to be free." The marriage fee might here seem to amount to eight pennies, but the likelihood is that the two persons would count as one, and be charged single. There was another officer called the bellman, whose duty was to ring a hand bell and make public advertisements in the streets; and who for fee was allowed "to tak na mair for his ance passing throw the town at the desire of ony neighbour nor twa pennies." The same man likewise filled the office of sexton; (not at St. Mary's Churchyard, it never having been used as a burying-ground, but at St. Clement's, which was the place of common sepulchre until Queen Mary granted the Howff for that purpose;) and "for making of graves in the kirkyard," his fees were appointed to be, "for ane man's grave twelve pennies, and for ane bairn's grave ane plack, and for puir creatures that hes na thing—na thing;" and he was not allowed "to tak mair but twa shillings for ane grave of them quhilk are eirdit[2] in the kirk" of our Lady.

1556. Oct. 5.

[1] Rubbish. [2] Earthed: buried.

1558-9. Jan. 10. During the time of service, unseemly disturbance was sometimes caused by children, and the Council ordained "that na women bring ony to the kirk within the age of five years, under the pain of eight shillings." Outside in the kirkyard, they were also very troublesome, "playing, crying, and disquieting the time of preaching, and all Masters and Doctors of schools, and parents of bairns being thereat," were enjoined "to attend that [neither] their bairns nor servants—by all order—be found" so offending, "under the pain of punishing with all rigour. And gif the bairns be found braking ony glassin windoks, their parents sall repair the same upon their awn expense." At a later time, further order had to be taken "anent ony bairn that plays, cries, and perturbs in the kirkyard, and breks the glassin windows" of the kirk; and it was again enacted "that the parents sall be compellit to mend the skayth that their bairns commit, and also pay eight shillings for ilk time that they be apprehendit in the kirkyard."

1565. Aug. 28. The Council found it convenient to enter into a contract for the mending of the windows with "Androw Cowper, glassin wricht and master gunner," under which he received a grant "for the space of his lifetime of the ludging quhilk he occupied lying on the south-east of the new flesh-house, for quhilk he actit himself to mend and repair the haill glass woundoks of the parish kirk, and mak the same sufficient, and also uphald them haill in all time coming during his lifetime;" with the provision "that gif he can try[1] ony person breking the glass woundoks, or ony bairns recklessly or wilfully doing the samin, that the person, or the parents of the bairns sall recompense and pay him the vaill[2] of the skayth." Androw's duties were, however, of a diverse character; for, besides mending the windows, he was bound "to attend upon the artailzie[3] of the burgh in using thereof, quhen time necessar sall chance."

1564. Dec. 6. When the choir was adapted by itself for a place of worship, its restoration had been effected in a temporary manner, and afterwards it became necessary to provide for making the building more substantial. The Council agreed that "ane braid[4] pass throw the kirk every Sunday

[1] Find out.
[2] Avail: value.
[3] Artillery.
[4] Or brod, the name given to the vessel for receiving church offerings.

for gaddering of support to the reparation of the kirk, decayit; and that every honest man of the burgh quhom the kirkmaster sall name and warn be the bellman the nicht of before, shall obey and pass with the braid before the time of preaching."

SUNDAY OBSERVANCE.

One result which immediately followed the reformation of the Church and the relief of conscience, was the earnestness exhibited on behalf of the faithful performance of moral and religious duties. The Council ordained "that the Sunday be keepit in the meditation of God's word, and that na merchants, craftsmen, nor hucksters, open their buiths nor use ony manner of traffic, and in special that na fleshers brek flesh upon the samin. Also, that na taverners, browsters, nor baxters open their buiths nor sell breid, wine, nor ale during the time of the preaching upon the Sunday; and quhasoever beis apprehendit doing the contrair sall pay eight shillings unforgiven." It does not appear that working upon the Sunday, before or after service, had been at this time absolutely prohibited, although there is a memorandum in the records, of date 1562, which points to the duty of the Council in the matter, by desiring them "to remember to mak ane act against the warkmen that works upon the Sabbath, and pains therefor." But no special enactment was made excepting—"That the Sunday must be keepit in the meditation and hearing of God's word be all persons in the burgh, and quhaever bides fra the preaching, either before noon or efter, sall for the first, second, and third times be admonishit be the minister and assemblie; and gif they forbear nocht—their obstinacy being declarit to the magistrates—they sall pay twenty shillings to the kirkwark;" and who "hes nocht it to pay, sall stand four hours in the choks." This ominously named instrument, otherwise called the branks, was formed of crossed iron hoops, within which the offender's head and neck were uncomfortably enclosed; and the apparatus having been

1559. Oct. 2.

1564. Oct. 6.

chained to the church wall, the market cross, or other conspicuous place, he had to perform his penance in public.

1568. JUNE 3. To prevent passing to and fro, and to insure "that na manner of leids[1] of victual be carryit or transportit either within the burgh or without the samin upon the Sabbath day," it was enacted "that the ports be ilk Saturday at even be ten hours, closit and steekit, and nocht openit upon the Sunday" until "four efternoon." The carrying of fish was, however, excepted from the prohibition, it having been provided that "when the cadgers come to the East Port bringing fish to be sauld in the merkat, the keepers of the merkat" shall pass to the Port and receive them only "in at the samin, and convoy their fish haill to the merkat, there to remain unbroken up or sauld" till the "forenoon's preaching be done." Immediate publication of this act was ordered to be made, "so that the bringers of victual and leids, pretend na ignorance, for they will nocht be sufferit to enter within the burgh upon the Sabbath day."

1603. AP. 19. "James Baxter was convict in transgressing the acts made anent forestalling the merkats, and specially in buying of ane thousand herring on Sunday last in the morning, he being inhibit immediately of before, and therefore was ordained to pay five pounds to the reparation of the common warks."

PUNISHMENT OF DRUNKENNESS AND NIGHT REVELRY.

The habits of the burgesses were early; the working day commenced betimes, and the curfew was the call to bed. It was enacted

1558-9. JAN. 10. "that na person be fund walking in the nicht season prevatlie or openlie in the streets or gaits of the burgh, or drinking in ony ale or wine tavern efter ten hours of the nicht, under the pain of forty shillings for the first fault, and for the next fault to be banishit; and that nane sell ale nor wine to sic persons under the pain of banishing to them" also.

[1] Loads.

Whisky had not yet become what has been sarcastically termed the national beverage; but these other liquors had already sufficed to produce votaries to the national vice; and the city fathers then, as now, deplored the evil, and tried to grapple with the problem which has not yet been solved—of how to deal with the poor victims of strong drink. 1561-2. Jan. 10. "Forsameikle as we knaw it to be the command of God that there sall nocht be ony drunkards and blasphemers of his holy name among his people, we therefore ordain that gif ony man be apprehendit in drunkenness, and notit with the same, gif he be responsal and have geir, he sall pay for the first fault five merks unforgiven, for the second, ten merks, and for the third, ten pounds, to be taken up be the deacons and distribute to the puir. And gif he will nocht mend, but continue, then the Bailies sall give him ane sys[1] of neighbours; and gif he beis convictit, he sall be banishit for year and day, and sall nocht be receivit without his open repentance. And the person that hes na geir being comprehendit in the fault, sall be put in the thief's holl the space of twa days and twa nichts, for the next fault, four days, and for the third fault, the whole oulk in the said thief's holl: and the same act to proceed upon drunken women."

The drinking houses were made subject to stricter rules. "In consideration that some drunkards within the town, and some quhilk dwell without and repair to the town, use wine and ale taverns out of due time—namely, under nicht, and therethrow provoke drunkenness, huirdom, and tuilzie;[2] and siclike, in the morning pass to taverns and ale houses, and draw others with them, in time of preaching and prayers on the Sundays and uther oulk days, to the grite sklander of religion, to the peril and prejudice of the virtuous, and to the common misorder; we therefore ordain in respect of the persons that keep house and table to them, that na men nor women quhilk sell wine or ale, ressait or receive ony idle and vain persons, either of this burgh or coming fra land, within their houses, and keep table to them efter nine hours at nicht, nor in the morning until prayers and preaching be done; and likeways on Sunday in time of preaching in efternoon that the same order be observit: and gif ony sellers of wine or ale sall contravene this act, or ony hosteler be found guilty therein, it being tryit

[1] Assize. [2] Quarrelling.

and found proven, the same man or woman or hosteler quhatsumever, sall nocht the space of ane year be sufferit to sell wine or ale or use hostelary."

1568. JUNE 3. The "merrie olden time" of which we yet hear, when Maypoles and morris-dancers were encouraged, had ended before this, and it was in a sober and somewhat ascetic spirit that the Council enacted, "for eschewing of tumult, sedition, drinking, and uther uncumly insolence and wantonness, that na persons pretend to come furth of their awn ludging with minstrels or with ony uther manner of way efter nine hours at nicht, to use ony kind of dancing, drinking, playing, or sic vain exercise, under the pain of the breking of the minstrels' instruments, and their own persons to be imprisonit, and nocht to depart until they pay twenty shillings to the puir."

PUNISHMENT OF BLASPHEMY AND EVIL SPEECH.

1561-2. JAN. 10. The Council tried to suppress the use of evil language, and ordained "that gif ony men or women be notit as common blasphemers of the holy name of God, the Bailies sall give them ane sys of neighbours; and gif they be convictit of it, they shall be usit as drunkards," and subjected to "the samen pain and order to the uttermost, quhidder they be rich or puir." It was, however, found necessary to adopt a more summary system than the procedure by assize, and orders were given that "quhasoever is apprehendit banning, execrating, swearing, or blaspheming openly, shall be tane incontinent and put ane hour in the choks." This would be an effectual method of putting to silence, for the instrument usually had a gag which entered offenders' mouths, and literally held unruly tongues.

1581. OCT. 2. At a later time the alternative of a fine was allowed to "the person that took upon hand to swear, or ban, or execrate, and quha, being apprehendit, had money to pay;" for he might compound for his first oath by paying two shillings, and for his second by twenty shillings;

while he that had no money, was made for "the first fault to stand in the branks twa hours, and for the next, six hours." But at the third offence, they suffered alike, the punishment then being "banishing the burgh to baith." To detect transgressors, the officers attended upon the flesh market, the fish market, and the victual market, their instructions being "to apprehend the banners and swearers and put them in the tolbuith incontinent, and nocht suffer them to depart unto the time they pay the pain foresaid; to be applyit the ane half to the officer apprehender, and the uther half to the puir." For the purpose of dealing with those who used evil speech in private, "ilk neighbour" was ordained "to have ane buist,[1] or ane box hung above his buird, with ane puline[2] hung thereat, for correcting of the banners and swearers in their awn domestic houses." This apparatus is so vaguely described that we can hardly understand its nature and operation; but may surmise it to have been a kind of household branks, which was to be kept suspended over the table, so that, when improper words were used, it could be lowered and made to enclose the offender's head, and so summarily to suppress his execrations, until he had endured a sufficient time of penance.

1583. Oct. 1. The acts "made against common drunkards, blasphemers, and evil speakers of the name of God," were afterwards confirmed; "with the addition, that the officers sall be ready at all times at command and charge of ony honest man that apprehends or hears ony drunkards or blasphemers, and sall incontinent tak and put them in ward in the tolbuith."

PUNISHMENT OF FORNICATION AND ADULTERY.

1558-9. Jan. 10. It having "been reportit and spoken to the grite defame, slander, and shame of honest men's wiffis, their dochters, and women servants, that they have been seducit be panders and procurers to use them selves unlawfully in fornication; for remeid of the quhilk the Council

[1] A small chest. [2] A pulley.

ordanit, that gif there be ony sic men or women panders within the burgh, that they dispatch them selves off within twenty-four hours next heirefter, under the pain of being taken and openly had to the Merkat Croce, and there banishit for ever." As for the places where immoral assignations were kept, it was enacted "that fra this day furth na bordell be haldin within the burgh," and that the keepers of such shall also "dispatch them selves off the town, or else amend and leave sic vicious manner of leiving; for, gif they be apprehendit therewith in time coming, [they shall] be openly banishit at the Merkat Croce."

1559. Oct. 2. Any infringement of chastity met with severe reprobation. "Gif ony man and woman within the burgh sall happen to commit fornication, for the first fault they sall be admonishit be the preachers to forbear, and efter the preachers' counsel sall shaw their open repentance publicly in presence of the haill congregation, and so forbear in times coming. But gif he and she beis [again] apprehendit with the said fault, they sall stand three hours in the gyves,[1] and be thrice doukit in the sea as said is; and gif that punishing serves nocht for amendment," and they "theirefter continue, they sall be banishit for ever." Some offenders were, however, "fund obstinat in repenting in presence of the congregation," and those were ordained "to stand six hours in the branks, and gif they then mend nocht, to be doukit in the sea." No one was to try to screen transgressors. "Gif ony maister of ane house have knowledge that his servant hes committit fornication," and thereafter "hides, conceals, or halds the servant undeclarit to the deacons, elders, and ministers, then he sall pay forty shillings to the common warks."

1561-2. Jan. 10 The dread and shame of public expiation in the kirk did not prove to be of themselves sufficient to deter offenders; for it was found that "fornication continues and increases daily in the burgh, and that it ceases nocht for the pain of open repentance." So further punishment was provided for the first offence, and it was decreed "that quhen ony man and woman beis notit with fornication, and it is proven upon them, the magistrates and judges sall put them in prison twa days and twa nichts, and theirefter baith man and woman sall come and mak their open repentance as of before. But because the women are some-

[1] Fetters.

times grite with child afore the fault be notit and spyit, and therefore the Council understand there is peril to handle or prison them, in that case the woman sall be banishit the town for the space of ane year, and theirefter nocht receivit within the burgh until she come and declare open repentance."

1564. Oct. 6. But banishment was found to be almost impracticable, and was not sufficiently summary, so with unrelenting rigour these hard men, again lamenting that "the women, quhilk are the principal occasions of fornication," sometimes escape "unpunishit because they are with bairn the time of their apprehending," devised an ingenious method both severe and safe for chastising delinquents, and enacted "that the woman apprehendit, of quhat estate that ever she be, sall be brocht to the Merkat Croce openly, and there her hair sall be cuttit off, and the samin nailit upon the cuck-stule, and [she shall besides] mak her public repentance in the kirk, and this for the first fault. And for the second fault, she sall be had to the Merkat Croce, her hair cuttit off and nailit up as said is, and her self carryit in ane cart throw all the pairts of the town, and twa shillings tane of her fee to pay the carter for his lawbours; and sall also forfeit the pain contenit in the auld acts." The punishment awarded to the male offender, who, by the narrow reasoning of the time, was reckoned the least culpable, was administered with much laxity. During the two days of imprisonment, his companions appear to have had access to him, and there being no stint of food or drink, they would probably spend the time in carousing. Restrictions were, however, now imposed upon this, and it was decreed that the man "sall remain forty-eight hours in the steeple upon bread and water, and nane to enter in the steeple to bear him company except the officer, under the pain of forty shillings, to be taken of ilk ane of them and distribute to the puir." The man's friends were to be fined if they found their way in to him, which is a curious illustration of the system of prison discipline then observed.

1580. July 4. The punishment of unchaste women continued to be rigorously inflicted. It was again "statute and ordained that gif it sall happen ony young woman to commit fornication, and efter she be conceivit with bairn sall be fund ganging with her bare hair as ane shameless [person], then incontinent she sall be had to the cuck-stule, and upon

the skaffet thereof her hair sall be cut off, and there nailit, to the example of uthers."[1]

1589. Dec. 17. While frail women were subjected without mercy to these degrading penalties, their purity was not protected by such safeguards as were afterwards provided, and the violator of innocence was not punished with much severity. "The session of the kirk having tryit the heinous and detestable offences of harlotrie committit be Gilbert Gelletlie," one of the officers of the burgh, "first with Margaret Renkyne, and next with Elspet Fotheringham within the tolbuith, be enforcing of her" to her great injury, pronounced him guilty, and presented the deliverance to the Council; and they, although meaning to mark their abhorrence of his conduct by the award of an exemplary punishment, only found that he had "incurrit the pains contenit in the acts made anent persons falling in the second fault of fornication, and ordained the same to receive execution against him with all severity; and forder, being movit with the circumstances of the offences, deprivit and dischairgit him of his office perpetually." Some years later, when Thomas Ogilvie—having been accused—"granted and confesit that he had been very slanderous in his carriage and behaviour, specially in troubling of honest men's servants under the silence of nicht, be gripping and abusing them" to their hurt, "and be uttering at all occasions of filthie speeches to the offence of God;" the confession was held to be sufficient amends; and he having "faithfully promised to abstene fra [such] abuses in time coming," and having become bound "of his awn consent to remove himself and his family furth of the burgh, and be banished for ever, gif he should be found or tryit committing the like heirefter," the Council suffered him to remain unpunished.

It was ordained "that ony adulterer, man or woman, being apprehendit within the burgh, sall for the first fault stand in the iryn jokis[2] at the Croce three hours in the maist notable time of day, and theirefter be had to the sea, quhair the gibbet sall be set up, and thrice doukit

[1] Scott tells us in touching words how the glory of a woman had become her shame :—"Her beautiful and abundant tresses of long fair hair, which, according to the custom of the country, unmarried women were not allowed to cover with any sort of cap, and which, alas! Effie dared no longer confine with the snood or ribband, which implied purity of maiden-fame, now hung unbound and dishevelled over her face."—Heart of Midlothian.

[2] Otherwise jougs or choks.

thereintil, and again brocht to the Croce and banishit the burgh for ever; and for the second fault," if the man or woman "be reconcilit to come again to the burgh, and theirefter failzeis as of before, to incur the pain that sall be devisit for adulterers be the Lords of Council and Congregation." Afterwards there was a modification of the method of retribution. "Gif ony man or woman be apprehendit within the burgh for the odious crime of adultery—quhilk nocht only procures the punishment of God upon the haill congregation, but brings on desolation and wrack upon haill families, with uther monifald inconvenients—then the adulterer sall be taken and put in the maist strang prison of the burgh, there to remain upon bread and water be the space of aucht days, and sall be taken out three several days of the said aucht, and had to the skaffet at the [Market Cross] of the burgh, and there, betwix the hours of ten and twelve before noon, sall be bound with an iryn cheinze,[1] and have a crown of paper put on," with an inscription "declaring that the punishment is for the cause of adultery; and immediately efter the said aucht days, the adulterer sall be tane to the Croce, and there banishit for ever." 1580. Oct. 4.

There is no evidence that the public punishment of these offences against Christian morality served any purpose of restraint, or raised the tone of public virtue. It would rather seem to have had a degrading effect, and to have caused the evil to increase; for before long transgressors were so many, that "the Council, finding the place of imprisonment devisit for fornicators and adulterers to be very incommodious, concludit that there sall be ane new prison biggit above the volt of St. Andrew's aisle in the east end of the kirk for that effect; and the present passage to serve thereto." Accordingly, with singular ideas regarding the fitness of things, they placed an ugly erection upon the light and graceful south aisle of the church, and thereby effectually marred the form and beauty of the old structure. The passage referred to, was a turret stair which led up to this architectural excrescence, and also to the leads of the aisle adjoining, whereon it would appear that offenders were afterwards made to do public penance with their necks in iron collars, which were chained to the church wall. The spectacle thereby presented upon that conspicuous platform, might 1588-9. Jan. 16.

[1] Iron chain.

have been most edifying and salutary, but it certainly had also been very grotesque.

From an early time the power of adjudicating upon offences against morality, was left to the discretion of the ministers and kirk-session—the Council interposing their authority for the infliction of punishment. The session having proposed "that in case any servants be tried and found to have blasphemed their maisters or maistresses, or slandered them with the crime of adultery, or other abominable vice to their discredit, that they should be put in the jougs and deteaned therein forty-aucht hours, and also banished the burgh for ever;" and having desired that this should be authorised and made law; the Council "considered the article presented to them, and ordained that in case ony servants, men or women, be tried be the ministers and session, and found guilty in manner foresaid," that they shall be punished as proposed. Two of the kirk-session having been "direct to inform William Spalding of his duty in making assythment for the offence of his having carnal knowledge of his wyiff before their marriage," he behaved himself very irreverently, and gave them injurious words. For this the magistrates ordained him to pay ten pounds, "and to compeir publicly on Saturday, at eleven, at the Mercat Croce, and there upon his knees to ask the sessioners' forgiveness." At a subsequent time, in order to support the authority of the ministers and session, and to give legal effect to their decisions, one of the Bailies in rotation was appointed to attend their meetings.

1619. Sept. 28

THE GRAMMAR SCHOOL.

Although Dundee never claimed to be an educational centre, and its sons took but little part in the progress and cultivation of literature, yet the burgh Grammar School was always in good repute, and many of its masters were worthy and eminent—some of them being not without distinction as men of letters. From an early time, the estimation in which the School was held induced leading men to landward,

as well as notable burgesses, to send their children to be taught there. Henry the Minstrel, in his "William Wallace," tells us that when the youthful patriot lived at Kilspindie with his mother, in the house of an aged uncle in good circumstances,

> "In till Dundé Wallace to scule thai send,
> Quhill he of witt full worthely was kend."

And Hector Boece, the historian, who was born in Dundee, received his early education "in his native town, which at that time and for long after was celebrated for its schools."[1] In 1435, "a new school-house was built by Laurence Lownan, then master; but in consequence of his having erected the buildings without consulting the Bishop of the diocese, he incurred his displeasure, and received the censure of the Church."[2] The schoolmaster had, however, hardly yet begun his mission; for, during the dark age which preceded the dawn of the printers' art, the lamp of learning only flickered fitfully in churchmen's hands, and there was no system for the general diffusion of the light of knowledge. Education was a mystery to the people, and the higher ranks contemned it as being derogatory to manhood. So late as 1496, Parliament ordained "that all barons and freehalders of substance put their eldest sons and heirs to the schools fra they be aucht or nine years of age, and till remain at the Grammar Schools quhill they be competently foundit, and have perfite Latin;" the reason given for this being, "that they may have knowledge to do justice, so that the puir people suld have na need to seek our Soverane Lord's judges for ilk small injury."[3] Before the Reformation, there had, however, arisen a desire for instruction; the new art had been multiplying books, and the people were beginning to read them, and were finding out the fresh world of wonder which they contained. So schools began to flourish, and learning thenceforth ceased to be exclusive.

The Dundee school-house appears to have been destroyed when the English burned the town in 1548; for after that time the classes were taught in a place rented by the Council for four pounds yearly, very likely within the precincts of St. Clement's Church. When the

[1] Robert Chambers.
[2] Reg. Ep. Brechin, cited in Jervise's "Memorials of Angus."
[3] Act. Par., II. 238.

Reformation was imminent, Thomas Makgibbon was master of the Grammar School; and for some reason, probably because he had been forward in declaring himself for the new faith, a number of the burgesses who were not likeminded, took umbrage, and removed their children from the school, and placed them in charge of other teachers in the town whom they had reckoned to be more orthodox. Thomas complained of this, and that the fees due to him had not been paid before the scholars were taken away—the parents, we may suppose, having

1559. Oct. 2. objected to give money for heretical teaching—and the Council, much offended, "ordainit that na Masters nor Doctors[1] teaching bairns, fra this day furth tak upon them to receive in their schools or chalmers ony bairns quhilk hes been in Maister Thomas Makgibbon's school, without [receiving] Maister Thomas' testimonial that he is thankfully payit of ilk ane of them that happens to depart, for his lawbours made upon them preceding their departing; and gif the other Masters or Doctors fail herein, they sall be compellit to pay of their awn proper guids the debt awing be the said disciples to Maister Thomas, and the officers to poynd and distrenze their guids and geir therefor."

1563-4. Mar. 16. When the throes of the great convulsion had begun to subside, the school became more prosperous, and it was thought desirable that another house should be erected for it. The kirkmaster was instructed "to big and repair ane convenient place to the master of the Grammar School and his bairns' use, and quhat expense he maks thereupon sall be allowit." But nothing was done in the matter at that time, and some years elapsed before a new school was built.

1564. June 12. To assist the master in his duties, "Doctors three in nummer were appointed by his election." The incomes provided for these lads had been very scanty; and the Council disponed to them "induring the time of their guid service in the school and kirk, and at the option and will of the master, the feu annuals of Sanct Agatha's chaplainrie, extending yearly to seventeen merks—that is, to David Mathow seven merks, and to every ane of the other twa, five merks." These modest emoluments were almost the first salvage which had been recovered from the wreck of the old church endowments, and they were held only by a very doubtful tenure. Indeed, one of the young men seems to

[1] Assistants.

have lost hold of his portion; for the Council two years later again "disponed five merks of the feu mail of Sanct Agatha's chaplainrie, which is awing by James Scrimgeour from his land on the north side of Argylesgait;"[1] but this time it was to John Broun, who had been one of the Gray friars, "sa lang as he in time coming serves the township in keeping of their knok." Scrimgeour would, however, only agree to pay the clock-keeper the money, on receiving from the Council the security "of all their common rents, to warrant, relieve, and keep him skaythless at the hands of all persons pretending interest in the feu mail."

The schoolmasters in the town who had been inimical to the interests of the Grammar School, would seem after some years to have made their peace with the authorities—exceping John Soutar, who evidently had adhered to the old Church. His vocation now came to an end by summary suppression, and he was "dischargit of halding of schools," and ordered "to desist and cease therefra in time coming, and to have his school door steekit up; and gif he refuses, the officers to tak and apprehend him, and put him in ward. And siclike," it was enacted "that na neighbours of the burgh pretend to put their bairns to the said school or hald them thereat, under the pain of eight shillings, to be upliftit of their readiest guids, sa aft as they or ony of them fail." 1566. Ap. 6.

Thomas Ramsay followed Thomas Makgibbon as master, and he appears to have fulfilled the duties of the office with assiduous care, and gained for himself general approval.[2] Under his charge the

[1] Mr William Hay, in his "Charters and Writs of the Burgh," has an interesting note regarding the origin of this, the old designation of the Overgate, and questions whether it could be derived from the name of Argyle, seeing that it appears in two Charters in the town's archives dated in the fourteenth century, first as Ergaydilisgat, and next as Ergeylisgat; while the Campbells only assumed the title of Argyle about 1420. But that family, under their older patronymic of Ergadia, had possession of part of their demesnes during the thirteenth century, and John de Ergadia was the Lord of Lorne in 1365—Act. Par., I. 497. The designation of the street may have been modified with that of the family. The ancient orthography of names is so irregular, that it is unsafe to draw conclusions from deviations.

[2] He was the son of a baker in the town, and to do him honour, that trade, at a meeting held in April 1577, accepted Thomas Ramsay, master of the School, to the liberties of the craft, so that "when it pleased him to make his living and bake, it should be lesum."—Warden's Burgh Laws, 341.

Grammar School prospered and increased until it was necessary to provide a better and more commodious house for it; and this became imperative when the Council found that they could not longer have
1588. May 7. the use of the place which it had hitherto occupied. "They appointed some of their number to pass and treavel with John Lovell, elder," (the Lovells had possession of old St. Clement's Church,) "to tolerit the school to be haldin quhair it presently is for the space of ane year, until the town be providit;" and before the year had expired, "they devised that void place at the back of the weigh-house in St. Clement's kirk yaird to be the maist commodious quhairupon to big ane common school; quhilk they ordanit to be biggit with all guidlie diligence, and appointed a master of the wark." The place selected was behind the lately erected tolbooth, on the west side of what is now St. Clement's Wynd, being a part of the site upon which the church formerly stood. For the "alienation of this piece of waste ground for bigging of ane school thereupon, the soum of aucht score merks" was paid to John Lovell, younger; and in order "that the wark might be accomplished with all guidlie expedition, the soum appertening to the hospital, lying upon the four buiths under the new tolbuith, was put in the hands of the master of wark; and for security" of this, it was resolved "that the master of the hospital be infeft in the laigh cellars and volts to be biggit under the school."

1589. July 14. A dispute arose regarding the ownership of "a piece of waste ground" whereon part of the school was being built, "at the east end of the tenement of Andro Renkyne, mariner; touching the appropriating" of which, the Council conceded "that sa meikle as is interjacent betwix his gavel and the side wall of the school, is to appertene to Andro as ane pairt of his tenement, with special privilege and liberty to him, gif it sall happen him to big on the ground, to raise and erect ane gavel for the service of his bigging upon the side wall of the school." The house then belonging to Andro Renkyne remained until recently, a very interesting specimen of the old burghal dwellings. The late Andrew Jervise considered that it had been built for some dignitary, early in the fifteenth century; and certainly its floors of irregular level, its heavy walls and overarched windows, its great and rudely sculptured fireplaces, and in especial the massive turret stair, surmounted by a

curious high-pitched chamber, which projected from its front, indicated that it was of considerable antiquity; while its fine situation, overlooking the river, and so near to the church, suggested that it had been an ecclesiastical residence; and there can be no doubt that it was the Manse described in 1540, as "lying on the south part of the cemetery of the Church of St. Clement, at the north of the public road by which they go to the pier head."[1] After the erection of the school, Renkyne built over the disputed ground, carrying his gable upon the school wall, and thereby shut off his access to the famous well of St. Clement, which was in the old chancel. Although this well sprang up from under the churchyard, it continued to be as much valued for its usefulness as it had been before for its sanctity, and at Renkyne's desire, a method was devised for enabling him to reach its waters. The Council "grantit him licence to strike furth ane windok in the north side wall of his tenement in St. Clement's kirkyard, near to the well in the schoolhouse closs, or within the bounds of the said well, to the effect he may draw water furth of the well to his awn service, with this provision that he hald the windok continually close, except at sic time as the water is drawn thereat, and that he close up the windok with stane wark quhenever he beis requirit." When the buildings were demolished a few years ago, the saint's old well—its water yet pelucid and fresh—was discovered at the angle where the school joined to Andro's house. Above it was the window which he struck furth for drawing water; but it had long before been built up and the purpose of it forgotten, and its curiously recessed position and uncouth masonry only served as a puzzle for ingenious antiquaries.

1607. Sept. 17.

To save charges to the burgh, William Spenss, who had been arching the floors of the tolbooth, agreed "to len to the town the haill centres usit be him in making of the volts to the town's service," to be employed "in making the volts under the new school; for the quhilk" the Council became bound "to discharge him of the first taxation that shall be imposed upon the neighbours, and to restore" the centres "efter the completing of the volts, in as gude estate as he delivers them." These vaults were very substantially built, as was proved at their demolition. When completed, some of them were used for hold-

1589. July 16.

[1] Charter by the Chaplain of St. Mary's, printed in Mr Hay's "Writs of the Burgh," 32.

ing public stores, but it was agreed that "the twa midmost be set for the space of five years be public rouping three several days, in favour of sic as will bid maist therefor."

1589. Aug. 22. Difficulty was experienced in raising enough money to complete the house, and "the collector of the shore silver" received instructions "to give the master of wark, for the bigging of the new school, the soum of ane hundred pounds, quhilk was appointit for mounting of the ordinance." This was during the previous year when the Spanish Armada was at sea, and there seemed to be imminent peril. But the guns had not been mounted, and the money was not expended, and from that source there came two hundred merks. Some silver was also in hand, gotten for "tallow apprehendit as forbidden goods," and this was applied to purchase "seventy-six roof spars, and fifty small spars to the cupil feet," and then "a remanent of taxation" which was afterwards received, sufficed "to accomplish the wark."

The Grammar School then erected was a plain and substantial building of two stories, which continued to serve its purpose until near the end of last century, when another house was built in St. Mary's churchyard, at the lower end of Kirk Wynd, thenceforth known as School Wynd. The building in St. Clement's Wynd was then appropriated as a house for the town guard, and after the police superseded that body, it was used as offices for them, and as a magistrates' court room.

1591. Oct. 21. When the new school was ready, the Council resolved to have a new master also, and Thomas Ramsay having resigned his office, they instructed the treasurer to pay him "the soum of ane hundred pounds, as ane remembrance of his lang treavels tane in the instruction of the youth of the burgh thir twenty-four years past." There were a number of candidates for the vacant place. "Thomas Ramsay nominat Mr. David Nairn and Mr. Alexander Strathauchine, native persons of the burgh, to be master of the Grammar School; and Mr. James Robertson, minister, nominat Mr. Robert Wallace and Mr. Walter Stewart, quhom he sustened to be persons of gude qualities; and certain of the Council nominat" four óthers. The records do not inform us which of them was chosen to the office, but he had probably been an incompetent man, for after a few years the school was found to be suffering from the

rivalry of other teachers, and the scholars fees were not being punctually paid. The Council understanding "that sindrie private persons, as weill men as women, have receivit grite oversicht and liberty in the keeping of schools and instructing of the youth within the burgh, without ony licence grantit to them, to the grite hurt and decay of the flourishing of late of the Grammar and Music Schools, ordained that the ministers, assisted with sic nummer of the Council as they think expedient, sall visit the haill schools, and dischairge all sic persons as they find unmeet for using of the calling [of teacher,] and authorise all sic other persons, man or woman, as they understand may be profitable to the youth; with this injunction," that none "presume to receive ony man-child to be instructed in their schools above the age of aucht years; and the visitors to give to the masters of the Grammar and Music Schools ane catalogue of the names of sic as they admit. And in case ony unauthorised persons presume to keep ony schools," and they be "delated to the magistrates be the masters, they sall be incarcerat in the heich tolbuith till they find responsal caution that they sall never attempt the like in time coming; and if ony neighbours put their bairns to ony other master within the burgh or suburbs nor those authorisit, the parents of the bairns sall pay to the puir, twenty shillings for ilk time of their contravention." And as the masters have found "some delays in the payment of the ordinary duties appointit for the instruction of the youth, as weill to the Doctors as to themselves," the officers "sall ward the parents of the bairns addetit, or poind their guids, upon the master's awn signet," which will be as lawful "as ane judicial decreit, providing it be first presentit to ane Bailie." 1594. JUNE 25.

David Lindesay, a man of ability and learning, was appointed master of the Grammar School in 1597, and we will find that under his charge it soon became restored to usefulness and importance.

BAXTERS.

The Council undertook to regulate the quality and the price of what were considered to be the principal necessaries of life—namely,

bread and ale; but although, in fixing these, respect was had to the value of the raw material out of which the articles were made, the bakers and the brewers usually felt dissatisfied with the prices, and sometimes tried to evade the law regarding their limitation. Bread was invariably sold in loaves at four pennies and two pennies each, the weight of them being fixed by the Council from time to time, according to the varying value of wheat. In a season of great plenty, "the baxters were ordained to mak their bread guid, sufficient, and dry, the twa pennie laif to weigh sixteen unce, and the other bread conform;" but not long after a bad harvest caused great scarcity, and the weight of the loaf was much reduced.

1559. Oct. 2.

In 1561, when the dearth was apprehended, the Council, by an arbitrary stretch of authority, enacted that the masters of the baker craft shall at Michaelmas, give an oath binding them to make bread during the year following of a weight to be given by the Council, without special reference to the price of wheat. The bakers objected to this, and raised an action before the Court of Session to have the act reduced, "as being contrair all equitie," and because "na man should be compellit to mak ane aith except be a judge, or to bind his conscience upon ane general matter; and that the maist the Council may do of the law, is to set furth their statutes and charge the inhabitants to keep them."[1] By the decision of the Court the bakers appear to have been relieved from taking the oath; but the Magistrates and Council were sustained in the enjoyment of their full powers, which they continued to exercise with even greater rigour against those who had ventured to call them in question.

The shops at this period were not by any means show places, but were merely confined booths for storing the goods which the owners usually offered at the open front to passers by. This system was not, however, followed by the bakers, who seem to have got into a practice of keeping their bread out of sight within their booths, which caused apparent scarcity, and enabled them more easily to evade the law as to weight. The Council now prohibited this, and "for the common weill of the burgh, repressing of dearth, and avoiding of the manifest fraud that hes been usit in times bygane, and in order that

1562-3. Jan. 11.

[1] Warden's Burgh Laws, 336.

our Soverane Lady's lieges may be diligently and faithfully served in time coming," ordained that all "baxters having bread to sell sall hing furth their cavies[1] before their doors, in sign and takin that bread is there to be had; and wha sall be fund having bread to sell and his cavie unhung furth with bread," or who shall "presume to tak down his cavie, bread being therein, unto the evening, or till his bread be done, so that the Bailies when they come to vesy[2] or try gif the acts be observit may not have trial of the pais[3] of the same, sall pay for the first fault forty shillings, and for the second and third faults, sall be punishit as them that diminishes the pais."

In the autumn of 1562, there was a great scarcity of wheat, and the bakers were allowed to reduce the four pennie loaf to fourteen ounces, and the two pennie loaf conform, but were enjoined to "bake their bread guid, clean, and dry." In the following spring, "Alexander Broun, dean of the baxter craft," came before the Council, "and in name of his haill brether, exponit and shewit that the price of the wheat wes presently risen in the market to four pounds, and therefore desirit the pais" of bread "to be given conform. So upon taking the matter into consideration, they ordanit that during the time the wheat gives four pounds, the pais of the" four pennie loaf "sall be twelve unces; and they made intimation thereof. But Alexander, the deacon, allegit that this pais was nocht given conform to the market, nor reason, and disassentit to the receiving thereof, and solemnitly protestit that gif the town wanted bread, the same suld nocht prejudge their liberty of craft." This threat of the deacon to stop making bread had not been carried into effect; for the Council shortly afterwards promulgated a table of the different prices of wheat, with the corresponding weight that the loaf should be, which appears to have been meant as a concession to the claims of the bakers, although it is so elaborately minute that the baking of bread by it had been rather puzzling. It begins with wheat at ten shillings the boll, at which price the weight of the four pennie loaf is fixed to be "seventy-four unces, and five unces mair amang thirty loaves;" and rises by steps of half a merk, with curious fractional reductions of the bread, until with wheat at fifty shillings, the weight of the loaf is given at "fourteen unces three quarters

[1] Open shelves. [2] Visit: examine. [3] Weight.

and half ane quarter of ane unce, and eight unces and three quarters to deal amang ninety bread!"

In 1564, the weight of the loaf was fixed at twenty-four ounces, and the Bailies were instructed "to remit nor forgive na unlaw; and in special, to dispence nocht with the unlaw to be uptakin of the breakers of the statutes anent bread and ale." In 1566, the same weight was prescribed, although the deacon grumbled, "and protestit that gif" the baxters should cease from baking, and "the town want bread, that they incur na skayth in their privileges;" but the clerk in turn "protestit that they may incur the pains contenit in the acts, gif the town want bread." The following year the weight was reduced to twenty-two ounces, and shortly after to fourteen; the bakers, however, thinking it still too much, and offering objections, but "the inobedient" were warned that they would "be punishit without favour." In 1582, "the pais given to be observit and keepit be the baxters for guid and sufficient dry bread, was sixteen unces for the plack,"[1] and it was at the same time enacted "that na ait bread be baiken or sold."

By a comparison of the price of bread—the standard necessary of life—at that period, and at the present time, we are able to estimate the comparative value of money, then and now. During the period from 1559 to 1582—excluding two consecutive years of dearth—the quotations which are given in these records, shew that on an average four pennies of the depreciated Scottish coinage—which was one twelfth of the then English value—would have purchased twenty-two ounces of bread, while, over an average of late years, the same sum would have purchased thirty-four ounces; a proportion which brings out that the respective values of a pound, and of a shilling Scots, were then equivalent to thirteen shillings, and to seven pence three farthings of the present money.

From 1587 to the end of the century, a succession of bad harvests caused great scarcity of food, and prices rose very high. In 1595, the country suffered from a dearth of extraordinary severity. Birrel speaks of it as a famine, the like whereof was never heard tell of. Next year wheat sold at ten pounds the boll, and oatmeal at the same, and even at a much higher price in some quarters. In 1598, the wheat

[1] Four pennies.

was blasted, and the oatmeal sold very dear. Two years afterwards there continued to be a famine with great want, and a high mortality.[1] Under such circumstances difficulties with the bakers might naturally be expected:—"David Tendal, the deacon, compeirit before the Council and allegit that the Bailies had given to the brethren ane pais of the bread whilk they were not able to keep without their utter wrack, and therefore protestit that in case they suld be movit thereby to abstene fra using of their craft, the said abstinence suld be na way prejudicial to their liberties." And they straightway were moved to abstain from baking, and immediately the town wanted bread—and ale also, for the brewers had likewise refused to brew at the prices fixed to them. But this was not the time when either choosing a market, or striking work, was practicable; and the authorities being masters of the situation, the offenders were promptly brought "to hear the Bailies' and Council's will declarit touching their offence in abstening fra baking, and contravening the statute price of the ale and bread for the third fault." So they submitted, and "acknowledgit transgressing the statute, and actit themselves to keep preceislie the prices to be enjoynit be the Provost and Bailies, enduring all the space of their lifetimes."

1588. Dec. 2.

Notwithstanding the submission of the bakers, the Council appear to have felt that the rates they had been imposing on them were not quite reasonable, nor consistent with the laws of burgh, and they resolved "that ane perfyt act and ordinance be set down touching the pais of bread and price of ale, and that sicht of the auld acts be made be the maist auncient of the Council and other neighbours;" who should "visit the auld acts, and tak sic exquisite trial anent the premises thereby, or be auncient records, as sall be found necessary for establishing the law."

1588-9. Jan. 17.

When the pressure of the scarcity became heavy, some of the bakers began to make oaten bread; but it was found that "the puir inhabitants received grite skayth and hurt be those who bake and sell the same without wecht or measure, express against the auld acts of the burgh made thereanent;" and the Council, "finding difficulty in [controlling] of that unlawful tred and handling, therefore ordanit that na master of a bakehouse suffer ony ait bread to be baiken in ony time hereafter to the use above specifeit; and that if ony beis found

1596. Nov. 30.

[1] Chambers' Dom. An. of Scot., I. 265.

contemptuously disobeying the ordinance, he sall be dischairgit fra using the liberty of the craft for year and day."

During the dearth the price of wheat advanced so extraordinarily that the usual four pennie loaf grew to be very small, and it became
1604. Oct. 4. necessary to have a dearer standard:—"In consideration of the present estate of the prices of wheat, the pais of the twelve pennie white loaf was fixed to be saxtene unces wecht of guid and sufficient clean stuff; and this the baxters were ordained to obtemper." The famine must have then been very grievous, the price and weight here given, being, according to the value of money which we have assumed, equivalent to two shillings and seven pence for a four pound loaf at the present time. Three years later, during an attack of the plague, the bakers were ordered to make "the pais of the wheat bread auchtene unces, under the forfeit of forty shillings for the first fault, and the batch of bread for the second fault;" but these penalties were exacted with less rigour, it having thereafter "been concludit to suspend the execution of the pain for the first fault, sa lang as the baxters observe the present statute willingly."

THE PRICE AND QUALITY OF ALE.

At this period the use of spirits was almost unknown within the burgh, but the consumption of wine and ale must have been considerable. The latter was already a famous beverage, and the making of it an important occupation. The Council always took good heed of
1559. Oct. 2. its price and quality. At a season of great plenty, when all grain was exceptionally cheap, they ordered that "induring their will, the browsters mak the ale guid and sufficient, for twa pennies and three pennies the pint;" but when the market afterwards rose, and it was "sauld for four pennies, cunniars[1] were chosen for trying of the guidness of the same," and these knowing ones were instructed "to do their office diligently as they sall be requirit." To insure the quality of the

[1] Cunning ones, or judges.

material, the maltmen were ordained "to mak their malt guid and sufficient stuff; every twa bolls bear to be nine firlots grundin malt of the auld measure with the sheul"—heaped up with the shovel; and its value was to regulate the price of the ale, so that when the boll of bear cost ten shillings, the pint of ale would be one pennie; and when the bear was thirty-three shillings, the ale would be four pennies. After the prices of grain fell, "all the browsters" were enjoined "to mak their ale na dearer nor twa pennies, to be considered worth that price be the cunniars, and the ale quhilk was found nocht worth that, to be sold for three half pennies." But when a dispute arose as to the quality of a certain browst, the Bailies and Council, rather than send the experts, went and tried it themselves, and then they found "that the ale brewen be David Spankie's wife was sufficient."

1564. Oct. 6.

1567-8. Feb. 26.

It was enacted "that na taverner nor seller of wine sall raise the price of the pint of wine higher nor it is sauld, without leave of the Council, and wha does in the contrair, his wine to be dealt with or the avail thereof." But the rates were raised notwithstanding this, and orders were given "that all wine taverners be callit and accusit before the Bailies judicially for raising of exorbitant prices upon the wines at their awn hands without obtaining licence, and be punishit therefor but favour or hatred;" and they were thereafter enjoined "to sell their wine for twenty pennies the pint." At the same time the brewers were ordained "to brew guid ale for five pennies the pint and na dearer," and the "cunniars baith for ale and beer," were instructed "to attend diligently that the ale and beer be sufficient for the price." There seems to have been no further change until the period of the great dearth, when the price of ale rose to twelve pennies the pint, above which, "it was concludit that na beer be toppit,[1] drawn, or sold." The brewers, however, disobeyed this injunction, and exacted higher prices, at the time when the bakers rebelled, for which they were severely censured, and were made to become bound to sell during their lives at the rates prescribed by the Council. But several taverners afterwards failed in this, and were found to have been brewing fourteen pennie ale without leave, for which—it being their second fault—they were each fined ten merks.

[1] Broached.

CLEANSING THE TOWN.

Although we need not expect to find that the rulers of the old burgh had much knowledge of sanitary laws—these being hardly learned even at this day—still we can see that in a rough fashion, cleanliness and order were enforced, if not for the sake of the public health, yet on
1559. Oct. 2. behalf of public decency. The Council ordered "that all persons, either rich or puir, that hes middens in ony place within the bounds of the burgh, cause the same to be carryit away or Wednesday at even, and that they lay na ma in time coming; and that ilk Bailie vesy the quarters quhair they lie, and cause this act to be put in execution, as he sall answer of his conscience." Afterwards, the officers were charged "to pass through the burgh every twenty-four hours, ance, and [enforce] the act;" and they were warned "that as aft times as they be found negligent, they sall pay aucht shillings, or be wardit in the steeple." But the offensive heaps continued, notwithstanding, and were again and
1566. Oct. 4. again prohibited:—"Efter this day na person shall presume to lay ony middens within the West Port, but under the North Gait of the same, betwix that gait and the Playfield." This gait or road, which from its surroundings got the designation—certainly not euphonious—of "The Passage at the Dirt Brigs," led from the Port at the Long Wynd, northward between Corbie Hill and the Playfield, in the line upon which the town wall was afterwards built. "All middens" were likewise ordered "to be taken and haldin away fra the Surine burn to the Fore Gait," (that is from between the burn and the Overgate,) "and nane to be layit on the Burial Wynd;" and they were offered "to ony person that would tak them away;" but they still continued to be "layit at the West Port," and other places.

The Scouring burn, which passed eastward behind the town, and was joined at the Meadows by another from the north, turned the wheels of the corn mills at Burnhead, and then ran into the river by the base of the Castle Rock. This stream was of considerable volume, and being much used for domestic purposes, the Council guarded it with some care from pollution. "It was ordanit that na persons, be

themselves or their servants, cast or toum ony closets, waid,[1] pest,[2] or ony other unleful thing in the Castle burn;" and also that "na fleshers, nor ony person that buys fra them the entrails of beasts, presume" to clean the same "on the calsay, or at the common burn or ony pairt thereof; but howsoon the beast is slain, the haill [offal shall] be convoyit to the sea." At one time the glover or skinner craft established pits for preparing their skins, upon the water course, near to where Lindsay Street is now, and the owners of tenements in Argylesgait, whose yards extended to the stream, made a complaint to the Council, "bearing in effect that the skinners wrangouslie occupy certain lime pots situat within the bounds of their headrooms, contigue to the common burn and watergang of the mills, and will nocht desist theirfra, but daily poison and intoxicate with scouring of pellets,[3] and with lime, the water" which serves "the maist pairt of the inhabitants to their brewing, washing, and preparing of meals." So persons were appointed "to pass and vesie the burn, and try quhidder this be hurtful to the common weill or nocht;" who afterwards reported that "they found the pots to be very incommodious and hurtful be reason of their continual pollution of the common burn, wherewith the gritest pairt of the inhabitants are daily servit," and should be taken away, "as weill for eschewing of the inconveniency, [as] for making of that pairt close and sure in time coming, whilk, be the occasion" of the pits, and no protecting wall being there, "is now made patent and open to all that pleases to enter within the burgh." The Bailies and Council concurred in this, and declared "that the pots are very improperly and dangerously situat, and therefore ordained them to be removit, and the skinners to desist fra all pollution of the burn with lime or washing of pellets therein." The pits were then constructed at the east end of the Seagate, near to where St. Roque's Chapel once stood, and there the skinners had the use of the Dens or Buttar burn before it ran into the river.

1597. Oct 25.

In order to promote the cleanliness of the town, the Council enacted that no person shall cast offensive matter "upon ony hie place, market, gait, wynd, close, passage, or vennel, or at buith doors, but only in the sea," under a penalty of forty shillings; and that no one shall

1562. Ap. 6.

[1] Dye refuse. [2] Noxious matter. [3] Sheep skins.

"presume to toum ony closets outwith the flood mark near the burgh, but within the flood mark, under the pain of putting the man offender in the branks for four hours, and the woman in the cuck-stule for six hours." Farther, "that na person, of quhat estate that ever he be, sall lay ony red[1] on the calsay, and suffer the same to lie sa lang as ane month thereupon, under the pain of forty shillings, and the red to be taken away be the Bailies upon the expenses of the layer."

1563-4. March 6. Pigs appear to have usually had the free run of the streets. At one time this liberty was restrained by the bellman making publication of an act, enjoining "all neighbours to remove and put fra them furth of the burgh, all swine, so that nane be apprehendit heirefter, under the pains." But this had only made a temporary riddance, for after a few years the streets again swarmed with them, and were so obstructed by their feeding places, that an edict was promulgated to the effect "that na persons pretend to have ony swine trows[2] at their doors, or under stairs, or yet in open windows upon the common gait, under the pain of twenty shillings;" and as for the swine, their owners were ordered to "dispatch them betwix and Mertimes, otherwise it sall be lesum to slay them."

The work of keeping the streets in order, which had hitherto devolved on the inhabitants themselves, was now for the first time put in the hands of a public functionary; and the sanitary system was set

1591. July 27. agoing by which the cleansing of the town is now performed. A new hangman had been installed into office, and he having leisure time, and being, no doubt, a man of energy, was nominated to be the first scavenger. "The Council appointed Michael Mores—now electit common officer for executions within the burgh—to attend upon keeping clean of all the calsays, streets, and the kirkyard; and disponed to him the haill fuilzie that he sall apprehend lying betwix the Burial Wynd and the Burnhead attour twenty-four hours efter the outlaying thereof, and in other pairts, lying attour forty-eight hours, with power to him to confiscate the same to his awn use;" for which purpose they agreed "to furnish to him ane wheill barrow upon the town's chairges;" (this being the first public outlay for cleansing plant;) "and forder, they gave full liberty to Michael to slay all the swine that he can apprehend within

[1] Rubbish. [2] Troughs.

the burgh, and apply the same to his awn use; and siclike, to attend upon all vagabonds and idle beggars eisane[1] to the burgh wha are not born [therein] and expel and put them furth; and ordained that in case ony persons should mak him impediment in the using of his office, or trouble or inquiet him in ony time coming, either be word or deed," that they shall "pay six shillings eight pennies, or be wardit for the space of twenty-four hours upon bread and water." For his recompense, they instructed the treasurer "to deliver to Michael, by and attour the commodities above written, oulklie, twa shillings eight pennies;" which was certainly a very modest weekly payment for these multifarious duties; but the commodities of confiscated manure and pigs, added to the hangman's fees, would no doubt afford the useful functionary pretty substantial remuneration.

THE HARBOUR.

The situation of Dundee upon a salubrious and pleasant southern declivity, has the special advantage of being beside a sheltered reach of a noble navigable river. Whether or not it was on this account that the town had its beginning, certainly its growth and importance have been due in great measure to the facilities which its burgesses had for maritime enterprise; and which enabled them at an early period to traffic, not only along the coast, but also with the French, the Dutch, the Danish, and the Swedish ports. For the primitive trade, rude jetties in the natural haven between the headlands of the Chapel Craig and the Castle Rock sufficed well enough; but as the shipping grew in importance, it became necessary to provide it with better accommodation and shelter. In 1447, James II., "on account of the Port of Dundee being unsafe, so that heavy and untold losses and shipwrecks threatened to befall—and for the common good, public usefulness, and the safety and security of ships and goods"—granted to the town the first charter under which "the burgesses and merchants were authorized to take

[1] Resorting.

upon themselves the building and repairing of the harbour in a skilful manner, so that large or small ships might enter and leave it in safety." To provide for the expense, authority was given to the Council to exact "of ilk serplare of oull[1] and skynns—of freemen of the king's borrows, 2d., and of strangers and unfreemen, 4d.; of ilk ton—of freemen, 2d., of unfreemen, 4d.; and of all other things—pok, pak, and barrel—proportionable conform to the serplare and the ton; of ilk last of hides—of freemen, 8d., of unfreemen, 16d.; of ilk chalder of corn, malt, and salt, 2d.; of the chalder of coals and lime, 2d.; of ilk ton of girnall[2] guids—of freemen, 2d., of unfreemen, 4d; of ilk last of bear, meal, herring, or siclike thing—of unfreemen, 8d.; of the last of tar, 4d.; of one hundred boards—of unfreemen, 4d.; of one hundred boustasts,[3] 4d.; of one hundred planks, 8d.; and so of uther lyke guids. Item, of howkis[4] and foircastellit ships that comes to the haven and the raid,[5] 10 sh.; of ilk crearie,[6] busthen,[7] barge, and ballandar, 5 sh.; of all fercosts,[8] 12d.; of ilk greit boat with victual or other guids, 6d.; of ilk small boat, 2d.; and so of uther like things; and that all uther little ships, fercosts, and boats coming within the haven sall pay the ancorage as use and custom is, and was in tyme bygane."[9]

The harbour then made was not of great extent. The Haven appears to have been formed in a creek which occupied the space of the Greenmarket and eastward to where the ground rises toward the Castle Rock—the north quay being what is now Castle Lane, the east, being the lower end of Tindal's Wynd, and the west, being in a line with Crichton Street, and extending southward some distance into the river.[10] There was then a sea wall where Butcher Row is; but about

[1] A serplare of wool was eighty stones.
[2] Granary.
[3] Probably boomspars: small spars.
[4] Large ships.
[5] Roadstead. [6] Sloop.
[7] Small ship. [8] Barks.
[9] Town Council Register.
[10] When the harbour was carried farther south into deeper water, and the haven was filled up, trees were planted along the sides of this quay, and it became the pleasant promenade called the Shore Walk, of which there are yet some lingering traditions. At the north end of it was the shore well, and at the south, the fine old sun-dial, and these were the turning points for the loungers. In "De Foe's Tour through Britain," the town is described as standing "at a little distance from the Tay; but they are joined by a causeway or wall, well paved with flat freestone, and rows of trees are planted on either side of the walk, which make it very agreeable."—IV. 171.

the end of the sixteenth century another, called the New Shore, was built forward into deeper water, and it stretched from the front of where the packhouse now stands, west towards St. Nicholas or Chapel Craig. The bulwarks were two separate breakwaters erected off the shore, within the position afterwards occupied by the heads. They were wooden structures formed of piles and planking, but the rest of the works appear to have been of substantial masonry. The accesses leading to the harbour were Tindal's (or Skirling's) Wynd, The Vault, and Couttie's (or Spalding's) Wynd. We do not have any early account of the port; but John Auchterlonie of Guynd, in "A Description of the Shire of Forfar," written about 1682, says, "The toune of Dundee has a good shore, well built with hewen stone, with a key on both sydes whereof they load and unload their ships, with a great house on the shore called the packhouse," (this building was erected in 1644.) And he adds, "They import all kynd of commodities from Holland and the east country, and their trade is very great;"[1] although the town could scarcely have then recovered from the injury inflicted by Monk when he stormed it in 1651, at which time Gumble records that sixty vessels were captured in the harbour.

1560. Oct. 4. After the Church was settled in peace upon its new basis, the Council turned their attention to other matters; "and because they considerit that the principal points of the common weill of the burgh —the shore, bulwarks, and haven—hes been so little regairdit this lang time bygane, that the samin is able within short process to decay and come to ruin," they therefore appointed a piermaster to take charge of upholding and repairing them, and instructed the officers "to obey his commands as they ought and should." Further, they concluded that the works "sall be beitit, mendit, and repairit quhair they are faulty, with all possible diligence, and the readiest common guid warrit thereon; and the casualties gotten upon the shore" applied "to uphald them." And two years later—"the haill duties of anchorage," as well as "the haven sylver, were ordered to be warrit upon the reparation and bigging of the shore."

1567. June 18. But the means proved to be inadequate; and it was still found that the pier, haven, shore, and bulwarks—the principal pairts of the

[1] Spottiswoode Miscellany, I. 327.

policie and common weill—are gritely decayit, ruinous, and able to perish in short time; throw the quhilk the traffic and exchange of the burgh be sea is able to be utterlie losit; therefore, and for support of the said places of policie," licence was obtained to increase the duties upon traders so "that ilk ton of the guids of freemen—quhidder merchants, craftsmen, skippers, or mariners—sall pay 4d. at the least; and siclike, that all owners of ships sall pay for the uphald foresaid, 4d. every ton fraucht—but twa ton salt to pay only 4d.;" and also, "that the anchorage, haven sylver, customs, and duties taken of all strangers, and freemen of other borrows at lossing, laiding, and arriving at the port, be only taken up and warrit upon the said shore and bulwarks, and never heirefter roupit to ony other use."

1580-1. Jan. 9. The wooden bulwarks having become unsafe, and there being danger that they would topple over, the Council ordained "for keeping and preserving them, that na person presume efter this day furth to lay ony tows[1] upon their forefaces next the shore, but lay them out through the bulwarks, and bind them about twa uprichts in the outer side as said is; and whaever does in the contrair sall pay five pounds to the uphald of them;" and that "all persons quhas ships hes broken and destroyit the bulwarks, sall be compellit incontinent to repair the skayth." A pier which stood out from the shore, and had been "biggit baith on their awn proper ground, and of their awn stanes," but which was found to be "to the greit detriment and hurt of their salmon fishings," was ordered to be turned to useful account, the piermaster having been instructed "incontinent to conduce[2] with boats to transport and tak it away, and to fill the bulwarks therewith," and so ballast the crazy structures. In process of time, however, they became ruinous almost beyond reparation—at least George Blak, wricht, who had them in charge, was "unable to accomplish his wark," although the Council found that this was through "his grite negligence and in his default;" and they instructed the piermaster "to appoint with sic other wricht as he sall think expedient for repairing the said bulwarks, and that with all diligence." Accordingly, "Thomas Waill was made attender, and was constituted master over the wark," and under his charge, the structures were so effectively strengthened, that it is not until the

1582. Ap. 25

[1] Ropes. [2] Bargain.

winter of 1647 that there is further mention of their weakness. At that time some of the Council were appointed "to visit the westmost bulwark of the burgh, and to tak advice of expert craftsmen quhat is necessary to be helped therein;" and it was "found needful that it should be repaired with all diligence." The piermaster received commission "to provide timber for the work, and if convenient timber be not to be had within the burgh, to provide the samen elsewhere;" and two burgesses "were appointed to be witnesses to the agreement of the workmen, their wages, and the price, and making of the timber."

The regulations made for the order of the harbour are generally plain and explicit:—"Ships arriving at the pier, either lading or lossing,[1] sall not lie nearer nor twelve fute, and gif they be requyrit be the piermaster to wyir[2] their tows, they sall wyir eighteen fute fra the shore so that ane boat or crear may come betwix them and the shore, and loss or laid;" and they "sall not neap in the master or awner's default betwix the shore and bulwarks, for stopping the entrie of uther ships." "Gif it beis fundin that ony ships hurt the shore onyways, they sall be compellit to re-edifie the skayth, and also to pay forty shillings, that the skippers and awners may be-war that they mak fast their ships in time coming;" and "gif ony chances to do ony uther ship, crear, or boat ony manner of harm, the damage sall be made and repairit upon the expenses of baith the pairties that does and susteins the skayth, equal, conform to the sea laws." "Na ship nor crear sall lay her anker in the principal passage without the bulwarks, [unless] in grit mister,[3] and [then with] ane short boyraip,[4] and sall refund the skayth to them that susteins ony through laying the anker." "Na ship in time of thrang sall lay to her braid side to loss or laid, but her fore ship or her starn; and na ship that is losit or licht sall lie at the shore, she being requyrit to depart—that uther laden ships may come in the place." 1560. Oct. 4.

Rubbish was to be prevented from falling into the water:—"Na ballast nor red sall be cassin furth of ony ship upon the shore without ane sail be put betwix;" neither shall "ony ballast, sand, red, or deming[5] of coals, be cast within the laich[6] water, under the pain that

[1] Discharging.
[2] Warp.
[3] Necessity.
[4] Bowrope.
[5] Dust.
[6] Shallow.

1598. Oct. 25. offenders sall be compellit to tak the samin away"—a penalty so impracticable that when "James Ker, skipper and master of the ship callit the James, cast red in the bounds betwix the windmill and the shore," instead of having been ordered to gather it up again, he was fined five pounds. James did not fare well at the harbour then; for, having "suffered his ship to lie at the medmaist stair upon the east side of the shore, empty, be the space of twa months, debarring coal boats therefra," he was therefore amerced in other five pounds unlaw. In addition to which evil fortune, his vessel was robbed while it lay there—"three boys having been apprehendit and convict of prickrie of certain guids and small geir appertening to it." The goods were reset by John Whittet; and he, having "before been notit in some fraudful dealings, was fined twenty pounds."

1560. Oct. 4 The quays were to be kept free from obstructions:—"Na neighbour lossing ony manner of tymmer, sall suffer the samin to lie ony langer upon the shore nor eight days, or sall lay ony upon the shore head, foranent the Volt head, or ony uther common passage"—an enactment which was to be enforced "but faid[1] or favour;" and "na person sall presume to heat ony pik[2] upon the stairs, or near hand ony ashler wark of the shore."

"There sall be na lading nor lossing nor handling of tackles in na place in the nicht season, betwix ane hour before the sun rising, and ane hour efter the sun setting; and the masters of the ships disobeying, sall pay twenty shillings as aft as they do offend; and the merchants—receivers, or deliverers of the geir being lossit or laidnit—sall pay forty shillings, and sall restore the samin geir to the town to be disponit as the rest; and the pynour[3] that bears the geir, sall stand twenty-four hours in the branks." In writing this prohibition against surreptitious night work, the clerk, when defining the time, through unwittingly using the words before and after in their natural sequence, has curiously been entrapped into promulgating a decree against working during the day. Probably the blunder was not observed until twenty-two years after; at which time the law was re-enacted, and the definition made very explicit:—"Na inhabitant—merchant, mariner, nor warkman—sall presume to transport or carry, loss or laden, ony

[1] Without frown. [2] Pitch. [3] Labourer.

manner of guids or geir at the shore, betwix the sun setting and the rising of the same on the morn, under the pain of confiscation of the guids and punishing the persons, conform to the statutes made of before."

1612. JAN. 14. No record of the arrival and departure of ships was kept until a later time, when it having been found that "the common weill sustenes grite damage be the want of ane sufficient register for controlling the compts of the piermaster, and knawing and trying quhidder merchants and passengers having guids within the ships, be free burgesses and Guild brether or nocht;" it was therefore ordained "that the clerk sall presently mak ane register for conteining of the entries; and that all masters of ships, barks, and crears arriving within the liberties of the burgh, and passing therefra, before they brek bowk, or pass to their intendit voyages, sall present their entries in wreit to the clerk, to the effect he may insert them in the register, and deliver the same back to the presenters, signed with his hand, to be given to the Dean of Guild and the piermaster—ilk master under the pain of five pounds: providing that the clerk tak na mair nor six shillings eight pennies for ilk entrie."

1560. OCT. 4. A special act was made against disorder at the harbour:—"Wha beis apprehendit drawing ane whinger, or giving ane cuff in open convention upon the shore, betwix the Chapel Craig and Thomas Cristall's house, sall pay to the uphald of the shore and bulwarks five pounds; and wha draws ane whinger or gives ane cuff otherways prevatlie, sall pay forty shillings; and wha commits ony other troublance within the said bounds, sall pay twenty shillings, unforgiven;" and "na person sall tak upon hand to swear, blaspheme, or tak the name of the Lord God in vain, or ban, or execrate; and wha beis apprehendit braking this act, that hes money, sall pay twa shillings, and they that hes na money sall stand in the branks twa hours." From the old rental roll of the hospital, we find that Thomas Cristall's house—the eastern boundary of the harbour—was at the junction of Tindal's Wynd and Castle Lane; and that the windmill—elsewhere designated the western boundary—stood upon ground subsequently occupied by a block of houses now demolished at South Union Street, immediately north of the Chapel Craig.

The unruly element at the harbour was difficult to control, although offences were commonly of a venial character, and the brawling of mariners seldom went beyond the free use of sea speech, sustained by an occasional cuff. We find that lethal weapons were rarely resorted to with fell intent; and when a man is convicted "for mispersoning another with a drawn sword," we cannot infer that he had been using the weapon in an aggressive fashion, and may almost conclude that whingers were pulled out more for the purpose of brandishing than blood-letting. There, however, continued to be considerable disorder "upon the shore, caused by the casting of ballast, and the wyiring of ships' and boats' tows, also by coupers [buying] all manner of guids and fishes coming be sea, and by persons fechting and drawing of whingers; which for lack of officers passed continually away nocht punishit, to the grite hurt of the commonwealth. It was therefore ordained that in all time coming ane officer sall remain upon the shore continually fra the sun rising to the down passing of the same, and gif he can apprehend ony coupers, or casters of ballast in the haven, or ony contraveners of the acts betwix the Chapel Craig and the Vault, that he sall have five shillings of the unlaw; and every sergeant sall wait thereon oulk about as sall fall to him." These officers had sometimes to deal with troublesome sailors. Gilbert Gardin, a hasty and outrageous skipper, "mispersonit them be calling of them knaves, and be violently taking" a prisoner "furth of their hands;" and thereafter "he disobeyit a Bailie who commandit him to pass to his dwelling and lay his sword fra him"—an offence for which he had "to pass to the Mercat Croce, and there upon his knees to ask the Bailie's forgiveness," and had also to forego his freedom; but this was subsequently restored to him, for sailors usually were lightly punished. William Yester, mariner, likewise "disobeyit the officers, for when they were commandit be Bailie Lovell to put him in ward," he went not at their bidding, and when he was taken, he drew "ane whinger within the tolbuith for their invasion; but having promittit upon his faith and conscience never to trouble ony of them" again, he was forgiven and allowed to depart.

1561-2. Jan. 10.

1599. Aug. 16.

1604. Mar. 13.

THE FERRY.

The ferry over the Tay at Dundee was always held to be of great importance, and its traffic was regulated as a matter of national concern. In 1551, Parliament fixed the fares "to be taken of the Queen's lieges:—For ilk man and horse, eight pennies, and for ilk man or woman be themselves, four pennies;"[1] but the Council claimed that the burgesses had a vested right to be ferried at lower rates, and ordained 1564. Oct. 6. "that na ferrier presume to tak ony mair fraucht fra ony neighbours and their servants nor ane pennie of the foot person, and three pennies of the person with his horse; conform to the erection and privilege of the burgh, dotit[2] be our Soverane Lady's maist noble progenitors; and that whasoever beis apprehendit raising ony uther extortion of fraucht sall pay eight shillings, unforgiven." In 1595, Patrick Kinnaird of that ilk, who possessed the "sea mylnes" at the water side where Newport is now, obtained from the Privy Council a charter for his barony, containing a grant "of all and haill the passage of the water of Tay at Dundee." The burgesses, however, refused to admit his right to the ferry, and he made complaint to Parliament that "sindrie of the king's lieges daily trouble, molest, and make impediment to boats landing at the Craigs, quhair they have been accustomit to ship thir mony years bygane, thereby causing great inconvenience to those haunting the passage of the water of Dundee."[3]

1605. Oct. 15. During the time of this contention, the plague appeared in Fife, and the Town Council then prohibited all passage across the river except with their licence. "Two ferriers having been accused [before them] for transporting of ane woman upon Sunday last over the ferry, wha wes refused be the water Bailie, the ferriers answered that John Lowson, younger, boistit[4] them to transport the woman, and offered to brek their heads, quhom they were nocht able to resist in respect he wes in his arms. Notwithstanding quhairof, the Council" fined one of

[1] Act. Par., II. 486.
[2] Gifted.
[3] Act. Par., IV. 310.
[4] Menaced.

them forty shillings, and also "banished him during their will." The unfortunate ferryman in dodging Scylla, had been caught by Charybdis. Lowson "was ordained to be apprehended and put in ward ay and quhill he satisfie for the offence." But he being out of reach, the Bailies were only able to fulminate threats, and to "warn him to personally compear for compelling the ferriers under nicht to transport him and ane stranger woman over the ferry." Probably he was a landward man connected with Kinnaird, and claiming to exercise his rights, refused to admit their jurisdiction. It had no doubt been in consequence of the continued interference of the Council, that Parliament the following year confirmed Patrick Kinnaird's charter, and ordained "that nane of our Soverane's lieges, of quhatsomever state, quality, or degree they be, tak upon hand to molest ony of those passing at the ferry or landing at the Craigs of Dundee."[1]

After this, we do not find that there was any further contest regarding the rights of ferry. Kinnaird's privileges appear to have been suffered to lapse, and the Council continued to maintain jurisdiction. In 1641, they were sustained in this by a commission from the Duke of Lennox, Admiral of the kingdom, conferring upon the magistrates "the office of Admiraltie over the river;" with "power to call before them all the boatmen and ferriers from both sides of the water of Tay, and to fix dues, acts, and symbols as they shall think expedient."[2] The passage over the estuary grew in importance as the internal traffic of the country became developed; but it was long until any improvement was effected on its working. Richard Franck, in his "Northern Memoirs, writ in 1658," tells us of a curious method which the ferrymen had devised for groping their way over the river in a fog. He says, "Now we relinquish the beautiful ports of Dundee, to transport in boats that are steered with a compass of straw, by reason of the embodied mists to which Dundee is incident . . . . . The mariners being destitute of a card to pilot us over by, are compelled to stuff the sterne with straw in little trusses, which they successively expose one at a time"[3]—the purpose of this being to enable them to find the direction of the current, and thereby judge their proper course.

[1] Act. Par., IV. 310. [2] Burgh Charters. [3] Northern Memoirs, 238.

FERRY-PORT-ON-CRAIG BOATS.

The inhabitants of some of the small towns round the coast of Fife, and especially of Ferry-Port-on-Craig within the river mouth, greatly offended the Council by their method of trading; and it was ordained "that na boat nor crear, neither of the Ferry nor coast side, arriving at this port, presume to buy or transport ony manner of vivers and victuals furth of the burgh, except they bring either coals or fishes or uther vivers to be sauld, under the pain of escheating of the victuals that sall be bought utherways." 1568-9. Jan. 21.

There had been at this time a considerable traffic in coal at Ferry-Port, although the place is a long way from the pits, and the Council desiring reciprocity of trade, wanted to obtain it by friendly barter for provisions:—"But it is now perfectly considerit that the inhabitants of the South Ferry are great enemies of this common weal," as they "receive their furnishing in this burgh, and transport their coals to uther pairts;" so it was enacted that none of them "be sufferit to be furnishit with ony vivers either to their town or boats, without they bring their coals to this burgh and sell them haill; and gif ony crear arrives within the bulwarks, and scho put her tow on shore, or on the bulwarks, or yet her anker in the grund," then the owners "sall be haldin to sell their coals in the town, or else to remain fifteen days upon the process to be made betwix the town and them, and their boat to be arrested." Next year the grievance was not amended, and it was again ordained that owners of coal boats "laying their tows either upon the shore or bulwarks," be looked after, "and specially that the men of the South Ferry be attendit to and dischairgit simpliciter of all privileges usit be them within this burgh, in respect they are plain enemies of the common weal thereof." 1581. Oct. 2.

These threats and denunciations had been followed by overt and high-handed acts of deforcement, which were no doubt illegal, and the Fife people, with the assistance of Robert Dury, the authorised keeper of the haven of Leven mouth, offered resistance and appealed to the 1599. Oct. 2.

law for protection. The result of the action which followed was that the Provost, Bailies, and Council were required to find caution and lawborrows, "that Robert Durie of that ilk, and certain inhabitants of the South Ferry of Port-in-Craig, sall be harmless and skaythless in their bodies, lands, geir, and possessions of the Council and Community of Dundee, and all others of their causing, or throw quhom they may lett or stop, otherways nor be order of law," under heavy penalties. And thenceforth we do not find any further denunciation of the traffic of the South Ferry boats.

CONTEST WITH PERTH REGARDING RIVER RIGHTS AND PRECEDENCE IN PARLIAMENT.

But the town got into a controversy more serious than this contest with the straggling old village at the river mouth. The burgh of Perth from an early time laid claim to exercise jurisdiction over the whole river, and although, as we have seen, this was disallowed, and the rights of Dundee were authoritatively established early in the fifteenth century, yet it had not been renounced, and there subsisted between the towns a feeling of jealous rivalry, which grew into violent contention, when the Dundee Council assumed authority to exact dues from Perth vessels and goods which landed at their harbour in passing up the river. These duties, although enforced with rigour, were paid so unwillingly, that the separate account which was kept of them shewed
1565. June 22. a very unsatisfactory result. "Ane dischairge was ordered to be made in the lokit book of the customs of Perth for the year of God 1565;" and the following year "Robert Kyd was appointed deacon to uplift the duties and customs of Perth at the shore, be the support of" several other collectors, "and to mak compt thereupon yearly as use is." But the amount obtained did not equal the cost of its collection, and at the end of the year the Council found "the soum of forty-four pounds to be awing to Robert Kyd be the township." The people of Perth considered the imposition of these dues to be very oppressive, and they

raised an action in the Court of Session to put an end to it. This did not, however, bring them any remedy, for the time was inopportune for legal process; but in 1567, when the rate of duties to be taken as well of strangers as freemen, "and warrit on the shore and bulwarks," was increased, the impost became so intolerable that they sought redress elsewhere. In September 1574, they raised letters before the Privy Council, shewing that "they are dotat with the water of Tay fra Drumla to the burgh of Perth to pertene to their liberty, quhairupon they have action depending before the Lords of Session, quhilk lies over thir sindrie years throw the iniquity of the time, and the troubles within the realm; and now of late the Council of Dundee, hoping that the complainers will desist pursuit of their richt in the water, intending to intruse[1] themselves therein, hes invented ane new and extraordinary taxation for allegit bigging and repairing of the shore of Dundee, and have arrest guids" belonging to Perth, "not permitting them to be shippit nor sellarit[2] without they pay the tax"—although "the said shore and haven is now in as gude estate as it hes been past memory of man, and in onything needful a sober thing wald reform it"—in this "not having regard to the decay of the Brig of Tay, being a thing accidently happenit at God's pleasure through great inundation of water, the like not happening sen the first bigging thereof; and that gif ony towst[3] sould be taken of their guids, it would be better employit on their awn Brig, nor on the shore of Dundee." Provost Haliburton and the Bailies attended the Privy Council to make answer to the complaint; "but my Lord Regent's Grace," (Morton,) "understanding the matter to be greit and wechtie, and he being solitare—the noble men of our Soverane Lord's Council being for the maist pairt absent—continued the matter but prejudice;" discharging the Town Council from exacting the tax, on receiving security for its payment.[4]

Notwithstanding the strong pleas of the Perth burgesses, supported by "the falling down of three bows of the Brig of Tay be the greit water,"[5] which had happened in the December previous, their petition was unavailing, and the Privy Council, in the following March, ordained

[1] Intrude.
[2] Warehoused.
[3] Tax.
[4] Reg. Privy Council, II. 407.
[5] Muses Threnodie, I. 81.

that "the licence and privilege to the community of Dundee to uplift a certane towst and imposition of every ship and vessel, and of all guids as weill out passand as in cumand at the port and haven of Dundee, for the bigging and reparation of the shore, pier, and bulwark, indure for the space of three years." But the accounts were to be carefully kept; and after "the diligent and upricht raising, and the faithful warring of the towst upon the work, the superplus was to be applyit to sic uther gude works as our Soverane Lord, and his Regent, sall command."[1]

And now there arose another question between the rival towns, that was held to be of even greater importance than river rights—namely, which of them should rank first in place at meetings of the Estates and elsewhere. A public demonstration of this rivalry had occurred at the assembling of Parliament in December 1567, "when the representatives of both burghs strove for the next place after Edinburgh, in the equestrian procession called the 'Riding of the Estates.' A tumult consequently arose upon the street, and it was with difficulty that this was stilled. Birrel relates how the Regent was 'much troubled to compose the two turbulent towns of Perth and Dundee,' and that 'it was like to make a very great deal of business, had not the same been mediate for the present by some discreet men who dealt in the matter.'"[2] Richard Blyth, who represented Dundee at this Parliament, was not charged with taking part in the mêlée, but two other burgesses of the town, James Wedderburn and George Michel, who had been assisting at the ceremony, and William Rysie, bearer of the Dundee ensign, "were commandit to remain in Edinburgh, and na ways to depart until trial were taken" by Sir Symon Prestoun, the Provost, "in quhas default the tumult happenit."[3] In January following, a supplication was presented to the Lords of Council by the Provost, Bailies, and inhabitants of Dundee, on behalf of those who were charged with being concerned "in the tumult that happenit upon the gait of Edinburgh betwix their neighbours and the inhabitants of Sanct Johnston, in the time of the late Parliament;" and after investigation, "they found and declared that the said persons, nor nane uthers

[1] Reg. Privy Council, II. 440.
[2] Chambers' Dom. An. of Scot., I. 48.
[3] Reg. Privy Council, I. 604.

their neighbours, inhabitants of Dundee, were ony ways culpable of the said tumult, and decerned them free and innocent of the same, and that they may freely depart hame at their pleasure."[1]

In 1579, "Parliament having understanding of the debate betwix Perth, Dundee, and Stirling," (the latter town having also joined in the contest,) "anent the ordering of them in their awn places according to their auncientie," ordained the two former "to send Commissioners fully instructed to the next Convention of Burghs, which was [enjoined] to tak order thereanent."[2] So the question was debated in the Convention, first at Glasgow—where the claimants were advised to send three guild brethren each, and an oversman chosen by lot, to meet in the kirk of Rait, a hamlet half-way between their towns, and to accept of such decision as they might agree upon—and then at Aberdeen; but at these meetings "there was nathing proceedit." At Edinburgh, however, although the Commissioners at first professed that they "were nocht competent judges to decide the matter, yet upon the morn they decernit that Perth should have the first place in all Conventions until the next Parliament." When the Estates met in 1581, the Dundee Council presented a memorial to them narrating these proceedings, and "makand mention that the burgh of Perth, without ony ground or gude reason, had stirrit up the question against Dundee for the first place in all Parliaments and Assemblies, and persistit wilfullie in the suit," although "the burgh of Dundee is mair antient, meikle mair burdenit in the service of our Soverane Lord baith in bodies and guids, in estate, governit be merchants, excluding the craftsmen, and being ever in times bypast in possession of the first place." The question was then again remitted to the Commissioners of burghs, who were ordered "to proceed and decide summarily thereintil but forder delay"[3] —which, however, after some debate, they failed to do with any effect.

At the assembling of Parliament in 1584, by the instructions of his Majesty, the order in which the representatives of the burghs were placed was, Stirling, Perth, Dundee; but against this the Commissioner from Perth protested "that be the decreet of the Convention of Burghs he should be placed next Edinburgh and before Dundee, albeit the marshal, at command of the King, displacit him." And Alexander

[1] Reg. Privy Council, I. 605. [2] Act. Par., III. 174. [3] Ibid. III. 232.

Scrymgeour, from Dundee, "protestit that quhat beis done in this cause na ways hurt the burgh nor libertie of Dundee."[1]

James VI., although yet under age, had already begun to exercise the ceremonial functions of kingship, and this nice point of precedence amongst the burghs gave the youthful Solomon an opportunity which he could not miss for exhibiting his royal wisdom. And he had a special reason for putting both the rivals down in place. William, Earl of Gowrie, who was Provost of Perth, had shortly before this been chief actor in the overt proceeding against the King, called "the Raid of Ruthven," and he continued for some time to exercise a coercive influence over him. But James having freed himself from restraint, Gowrie was proscribed, and fled to Dundee, purposing to make his escape from thence by ship; and when "my Lord Pittenweem, captain of his Highness' guard," went there with a considerable force to apprehend him, he shewed much "disobedience in not rendering of William Drummond's house, efter the intimation of our Soverane Lord's commission to him—keeping the same the space of three hours or thereby theirefter."[2] The Earl was aided by a number of burgesses, and he continued to hold out and defend the house—which was the corner building where Thorter Row and Kirk Wynd join—until some pieces of ordinance had been brought to bear upon it. After his surrender, he was conveyed to Stirling, and there on short trial was found guilty of treason, "and the doom pronouncit be the mouth of the dempster was, that he suld be tane to the skaffald beside the market croce in Stirling, and there his head strikken fra his body."[3] This act of justice had been done upon Gowrie a few days before Parliament met, and the King, evidently meaning to make an example of Perth for its Provost's misdoings, and of Dundee for having harboured the traitor, made himself master of ceremonies; and, although Stirling had already ceased to urge any claim, preferred its representative into the higher place above both the competitors. This, however, was only a temporary elevation to serve the occasion, for that town afterwards returned to a lower place, and from thenceforth dropped out of the controversy. Three years later, Dundee again supplicated the Estates against the burgh of Perth, "touching the priority of vote and place," and the matter was remitted

[1] Act. Par., III. 291. [2] Ibid. III. 306. [3] Ibid.

to the decision of the Lords of Council—the rivals meanwhile either occupying the place of honour on alternate occasions, or else taking care that they should not be together present.

Other contentions arose regarding river rights. In 1586, Dundee obtained a grant under the Privy Seal, empowering the burgesses during five years to make considerably higher charges upon goods entering the harbour, in order to raise revenue for its support. The Council of Perth appealed to the Lords of Council against this, and desired them to prevent it taking effect, because they had learned that, "be virtue of the grant, it was intended to uptak the extraordinar exaction from the inhabitants of Perth using trade at the said port," without consideration of the "necessity the complainers have themselves of sic exactions to support the common warks of their awn burgh, mair requisite to be beit and helpit nor the haven of Dundee, specially the Brig, it having twice fallen down and decayit, and lately being erected of tymmer, is ready to fall without present help;"[1] and besides other buildings all "uterlie ruynatit, their tolbuith [has] likeways fallen down," in "the beiting and reparation" of which "warks, their common gude is altogether spendit." They also alleged that "the said gift was wrongously and evil purchest, the complainers nocht being callit to the giving thereof as they aucht and suld, seeing they have special interest, and mony lawful reasons to have stayed the same, specially be reason the haill water of Tay and privilege thereof fra Drumla, pertenes to the burgh of Perth as ane pairt of the propertie thereof, with the pier and shore of Dundee quhilk stands and is situat within the said water, [and the] bounds, freedom, and privilege thereof;" and they declared that "the ships and merchandise of the inhabitants of Perth was never in use nor requirit [to make] payment of ony towsts in time bygane, in respect of the said privilege." The Lords of Council called Provost Scrymgeour to make answer to these allegations; and having heard him, and also the complainers, they found that the inhabitants of both the burghs have "commoditie be the bigging and reparation of the pier,

[1] Another disaster had happened to this structure in 1582, by "the downfalling of five bows;" and the prognostications regarding the new "tymmer" one were realised in 1589 by "the falling down of the braw trein" (wooden) "pillars of the Brig."—Muses Threnodie, I. 81.

bulwark, shore, and haven of Dundee;" and therefore ordained that Perth ships also pay the exaction for the five years.[1]

Similar concessions were subsequently made. In 1596, "ane towst" was granted for reparation of the harbour, to be exacted "fra merchants, friends, unfriends, and strangers, for ilk ton, twelve pennies at the entry, and as meikle at the outpassing." And four years afterwards the Lords of Council gave power to the burgesses "to uptak twelve pennies of ilk ton goods of all ships coming within or going out of the mouth of the river, and apply the same for placing tuns[2] in the water mouth, as meiths[3] and signs to designate the dangers therein." These grants and privileges were looked upon with much illwill by the people of Perth, who held them to be serious encroachments upon their own liberties, and an aggravation of those indignities whereof they had already complained. But they in turn obtained from the Privy Council pretty substantial redress. The catastrophe of the Gowrie conspiracy had just happened, and another Earl of Gowrie, who also was Provost of Perth, had been done to death in the midst of his treasonable doings in a manner which to his fellow-burgesses seemed most mysterious and questionable, and led to much suspicion of the King and his motives. It was no doubt as a concilliatory measure to allay this, that three months afterwards, in November 1600, the burgh of Perth received a grant "of the liberties, freedoms, and privileges of all the water of Tay fra Drumla and beneath, so that na ship coming within the river should break bulk until it came to the Bridge, unless it be loadened with goods belonging to the inhabitants of Dundee." Thus giving the people of Perth control over all the course of the river.

This broad and comprehensive concession alarmed the Council of Dundee, and they straightway took measures for thwarting their rivals, and, by some curious stroke of policy, obtained from the Privy Council, only a few months later, a similar infeftment giving to them also the exclusive right and superiority over the lower part of the river—"whilk particulars," as Perth pathetically remonstrated, "are in very deed and effect the very liberties of the water of Tay." Actions and cross actions were then taken to reduce the antagonistic infeftments, and there was soon what is termed "a good ganging plea." But after a while the

[1] Reg. Privy Council, IV. 104. [2] Casks or buoys. [3] Boundaries.

various points in dispute between the towns were combined in an amicable submission, which was placed before the High Court for judicial decision.

1602.
Feb. 24. The business proved to be very expensive:—"The Town Council found by just compt that they had grantit debts to fortherance of the common affairs, specially in [opposing] certain wrangous actions and pursuits intendit against them be the town of Perth before the Lords of Privy Council, and of Session, and in pursuing of their actions intendit against the town of Perth for reducing of ane intendit infeftment grantit to Perth, prejudicial to the auncient liberties of the burgh—extending in the haill to five thousand merks;" for which sum they at first concluded that there should be taxation, but afterwards borrowed two thousand five hundred merks "upon profit until ane taxation was set."

Aug. 9. They took care that there should be no irregularity in their proceedings:—"Having seen ane commission given under their subscriptions and common seal" to certain of their number, "for submitting of all causes, actions, and controversies presently standing between them and the inhabitants of Perth, resulting upon the late infeftments grantit to aither of the borrows of Dundee and Perth, be our Soverane Lord in anno 1600, to the amicable decision of indifferent persons; and finding thir words, 'Be quhatsomever way,' contenit in the body of the commission, in the end of the twenty line thereof, to be deleit and obliterat, they therefore ratifeit and approvit the deletion, and declared the same to be done with their consent."

All the matters in dispute were discussed before the King, his Council, and the Lords of Session on the 29th December 1602, when both towns claimed the rights granted by their respective infeftments—Perth, over the whole river, from the bridge; and Dundee, over the stretch, from Invergowrie downwards. And regarding the question of precedence, "Dundee claimed to be preferred—firstly, because it shall be proven by evidents that it is more ancient, and by ancient record of chronicles whilk verify it to be hundreds of years before the days of King William, who is alleged to be the fundator of Perth: secondly, because Dundee bears the double of the charges of Perth in the subsidies of the realm: thirdly, because Dundee is more civillie governed, in respect the haill Council are of the merchant estate, except two for

the crafts, and the equal half of the Council of Perth are craftsmen." Then, it was asserted that "the decreet alleged given by the Convention of Burghs, preferring Perth to Dundee, was got by many sinister measures used by umquhile William, Earl of Gowrie, in that matter, quhilk are not necessary to rehearse"—a charge against the Earl, who lost his head for treason, which had doubtless been considered a master stroke of policy, as the family was now proscribed, and its doings held in abhorrence.

The Court decided regarding the liberty of the water of Tay, that Perth should have "the privilege of free port fornent the Sheriffdom of Perth, and Dundee fornent the Sheriffdom of Forfar"—thus dividing the authority at Invergowrie. Dundee was to continue to place the tuns in the water, and to exact the tun silver, but was not to stop ships at sea for the payment, "only to follow them to the ports where they loss and loaden." The old dues were to be paid by all ships as heretofore, but from the recently imposed "towst the Perth vessels were to be exempted." And as to the question of precedence, it was declared "that the burgh of Perth shall have the place before the burgh of Dundee, and that the burgesses of Dundee shall make na impediment therein." The decreet concludes with some good advice to the rivals, which is in the King's own peculiar vein, and no doubt had been administered by himself. It admonishes them "in all times hereafter to entertain Christian love, peace, charity, and quietness, and to live in a Christian society and neighbourly love, friendship, and company, as becomes burgesses under one prince, and within one kingdom; and that the same peace may be the more effectual and hearty," it enacts "that whatever ordinances have been made within any of the burghs on envy and malice," they shall be null in time coming[1]—an edict which probably caused the destruction of any such decrees, and may be held to account for their absence from the records of the Dundee Council.

[1] The decreet is given at length in the "Muses Threnodie."

CHAPLAINRIES AND MONASTERIES.

Before the time of the Reformation, the Church at Dundee was in possession of many endowments, which had been gifted to it for the support of the various chapels and altars. The revenue came mostly in the form of feu-mails or duties from property within the burgh, although a portion was derived from a charge upon certain landward possessions—chiefly on the rents of the Abbey of Lindores, which held a superiority over the Church. After the establishment of the new order, some of the endowments were appropriated by those who could lay hands on them, but the greater part appears to have remained uncollected—the old beneficiaries not venturing to ask for their portion, and no others pretending to have any right. Early in 1562 a kirkmaster was appointed to endeavour to secure some of the rents for ecclesiastical uses. In this, however, he had little success, for the claims of the Church were then disregarded; but shortly afterwards, when Queen Mary promulgated an Act claiming for herself a third part of all benefices, and authorising burghs to use the places of friars yet standing undemolished "for hospitals, schools, and other godlie uses," the Council thought that the time was opportune for trying to recover for themselves the unappropriated revenues. "Taking consideration that the annual-rents, feu-mails, and duties quhilk of before pertenit to the town in patronage, and wes assignit to priests and choristers for maintenance of idolatrie in time of ignorance, are now, sen that God hes shawn his true religion amang us, neglectit and forgot to be uptaken fra the persons debt-bound for the same, and so are able to become in oblivion, and to perish fra the common weill; therefore, and for remeid thereof," they resolved to constitute "Thomas Duchirs, and Maister Andro Cowper, their lawful factors, giving to them the town's full power to uptak all manner of annual-rents and feu-mails quhilk of before wes uptaken be the choristers, and callit commons of the queir, and apply ane half thereof to their awn sustentation for their lawbours,

1562. JULY 7.

and pay the uther half of all they sall happen to obtene to the treasurer" for the "common guid."

Thomas Duchirs—sometimes called Sir Thomas, a title then given to certain church dignitaries—was an "auld chaplain of the choristers," and the other was probably his colleague. They must have experienced some difficulty in recovering those rents from the feuars by whom they were payable; for there was now no choir, and the choristers' occupation was held in contumely; so the poor men could only have had scant
1563. Dec. 4. sustentation from their moiety. Duchirs afterwards received from the Council a presentation to "the benefice callit Lytill Sanct Johne, quhilk Mr. George Scott possessit of before, with all annual-rents, feu-mails, profits, and duties belanging thereunto, induring all the space of his lifetime;" and the officers were ordered "to distrenze all and syndrie persons debt-bound for ony rent to the said chaplainrie, and mak Thomas to be payit therefor." The annual value of this benefice was only three pounds, which was probably the reason that it was called "Lytill Sanct Johne."

The Council obtained payment of dues belonging to several of the chaplainries, on becoming bound to keep the tenants who paid, skaithless from any persons who might lay claim to them. We have seen that a portion of the rents of St. Agatha's was recovered upon this condition; and we find that when "the treasurer in name of the town acted him to warrant the feuars of Sanct Salvador's Closs of their feu-mails
Oct. 19. to be payit to the town," part of them was also received. "David Davidson, feuar of certain acres and ane manse in Kettins, perteining to Sanct Thomas' chaplainrie," was inhibited "to answer or mak payment of his mails and duties to ony person pretending interest to the chaplainrie, but only to the treasurer of the burgh; and the Council band and oblist them and all their common guid, but fraud or gyle, to warrant and keep him skaithless at the hands of the chaplainers, or at the Queen's Grace, or at uthers pretending interest in the mails and duties bygane and to come, quhilk he sall pay to the treasurer; providing he tak his acquittance upon compt for the warrant." Sir James Kynlocht, who had kept possession of his "chaplainrie of Sanct John the Baptist in the Paroch Kirk," having got into monetary difficulties, he assigned the benefice and the duties thereof induring his lifetime to

Patrick Rattray, in security for a debt of nineteen pounds eleven shillings and five pennies. The Council saw that this was a favourable opportunity for getting a bargain, and they instructed the hospital master to pay the amount of the debt to Patrick, who in return "presently renuncit the chaplainrie in favour of the almshouse." This was a good speculation; for, when possession became legally valid, the annual value turned out to be seventeen pounds thirteen shillings and four pennies.

1565. Dec. 4. Notwithstanding the exertions of the two old choristers, it was found after a few years "that the chaplainries and commons of the queir belanging to the township in patronage," were being neglected and lost sight of, and some persons were appointed "to vesy and receive in inventor the haill evidents [of] all annual-rents, feu-mails, and other profits and duties perteining to the said chaplainries, and cause the same to be registrat and put in the common kist; and mairover, to see that the township be keepit in possession, and to cause the collectors to be answerit of the duty promised to them."

But the town was now fortified in the possession of the benefices by a charter under the great seal, granted by Queen Mary on 14th April, 1567, "to provide for the ministers of God's word, and for hospitals to be kept for poor maimed and miserable persons, and orphans," whereby a gift was made to the burgh, not only of "all houses, chapels, tofts, crofts, annual-rents, fruits, duties, dele silver, obits, and anniversaries which pertained to whatever chaplainries, altarages, or prebends had been within the burgh," but also of "the manor places, orchards, lands, annual-rents, emoluments, and duties which pertained to the Dominican or Preaching Friars, the Minorites or Franciscans, and the nuns, commonly called Gray Sisters;" all which endowments were to be incorporated into one body, and called in future—"Our Foundation of the Ministry and Hospital of Dundee."[1] The property which belonged to the monastic orders was of considerable extent and value. The houses had been already nearly all demolished, and their stones appropriated to the erection of other buildings; and three years before, the Queen had granted the manor place and garden of the Gray Friars to the town for a burying ground; but there yet re-

[1] Printed in Cosmo Innes' "Report on Hospital Fund," 15.

mained much valuable orchard and meadow land by the side of the burn which ran under the Dudhope and Chapelshade slopes. As we shall see, the Earl of Crawford afterwards preferred a claim over part of this, but an arrangement was made by which the town's right to it became substantiated. Possession of the greater part of the lands gifted by the royal grant is yet maintained; and when, in recent times, a question arose as to the appropriation of the income, a legal decision affirmed that this should be as the foundation had provided, for the support of ministers of God's word, and for the help of poor and miserable persons; and to these purposes the annual revenues, which, with some additions, now amount to above £2000, continue to be applied.

1567. JUNE 18. When the grant establishing the town's right to the various emoluments was obtained, the Council "chose David Ramsay, their brother, ane of the elders of the congregation, and also ane of the Council, to be collector of the Queen's Majesty's donation, dotat for uphald of the Ministry and Presbytery of the burgh—viz., of all lands, yairds, places, crofts, acres, feu-mails, and annual-rents quhilk pertenit to the Friars—Gray and Black, Gray Sisters, chaplainers, and choristers, to inbring the same to the use foresaid." The old chaplains of the choristers were not now needed as "tulchans" for the ingathering of their portion of the fruits, and "the collector of the Queen's donation" became bound "to pay Thomas Duchirs"—his colleague having probably died—"forty pounds guid and sufficient money of Scotland yearly, at four equal terms in the year, because the said Thomas hes renuncit, and given ower to the township, all his benefices—that quhilk pertenit to the choristers," and also "his awn particular benefice and chaplainrie" of Lytill Sanct Johne. The annual rental belonging to the choristers appears to have amounted at this time to eighty-three pounds eighteen shillings and two pennies.

1567-8. JAN. 7. The superannuated chaplain did not, however, at once desist from uplifting the dues. "James Reid allegit that six shillings eight pennies was given be him to Schir Thomas Duchirs, of the annual of four merks awing to the choristers furth of his tenement on the north side of the Flucargait." But David Ramsay did not insist on getting a second payment, and accepted the sum of four merks "deducand the six shillings eight pennies." The collector otherwise experienced considerable

difficulty in gathering "the Queen's Majesty's donation of the duties quhilk pertenit of before to the Gray Friars and Black, Gray Sisters, choristers, and chaplains," and it was found necessary to ordain that "he be obeyit of all and syndrie, and that na person resist him in his office."

In 1573, a commission of the General Assembly made inquiry into how the duties and rents which had been recovered were being appropriated,[1] and it was found that the minister was receiving annually ane hundred merks, and in addition for "ryding twa or three times ilk year to the Assembly, twenty-two pounds," and "for bread and wine to the communion at twa terms, twenty-four pounds." The master of the Grammar School was receiving thirty-four pounds; and for payment of the school-mail—the schoolhouse not yet having been built—four pounds. There had besides been annually applied "for the uphald of the puir in the hospital, forty merks," and "for clayth to cleyth puir infants and unable persons, fifty pounds." Queen Mary's charter declared that "it is not our will that the chaplains, prebendaries, friars, and nuns who were provided for before the change of religion, be prejudiced, but we reserve to them the use of the fruits and duties during their lives only," and it was now found that a number of the auld chaplains were "yet on lyfe," and that nine were deriving incomes from the chaplainries. The nuns had, however, all disappeared; but "John Broun, quha wes ane of the Gray Friars, and maun be sustenit," was receiving sixteen pounds yearly. John had been put into the charge of keeping the clock, and we can picture the old man—the last of the friars—flitting solitarily through the great grey tower, and watching the measurement of time—himself a curious link between past and present, still lingering there as a reminiscence of old memories, that might well have been made "to point a moral or adorn a tale" to the new generation.

[1] The record of this commission was discovered by Mr. Cosmo Innes in the Register House, and it is printed in his "Report," 198.

WILLIAM CHRISTESON, THE FIRST ORDAINED MINISTER.

William Christeson, the first regularly ordained reformed minister in the church at Dundee, was appointed by the Lords of Congregation in July, 1560. The emoluments which he received when he began his
1561. Sept. 24. duties were exceedingly moderate. "The Council being convenit in the Provost's lugeing, appointit with Mr Christeson with his awn consent for his stipend twelve score ten merks yearly for his office of ministrie in this congregation;" but he appears to have shortly afterwards been put into possession of the vicarage, and certain chaplainries and tithes which had been recovered, and these, although difficult in collection and of questionable security, must have considerably increased his income. At a later time, when the endowments had been assured by the authority of the Queen's charter, and were mostly vested in the hospital, he received an annual payment of one hundred merks from their revenues; and toward the end of his ministry an arrangement was made for commuting some of those which he held in possession into
1595. Oct. 26. an annual payment. The Council met "to confer with the minister anent the demission of the vicarage of St. Margaret's chaplainrie, quhairunto he is providit, and for ane recompense to be given to him for the demission of it," and an agreement was thereafter come to, under which they "oblist themselves and the hospital master to pay to William Christeson, minister, yearly during his lifetime, fifty merks money at consuet terms, in contentation of his richt of the chaplainries of St. Margaret and St. Helen, situat within the paroch kirk; quhilk fifty merks, joynit to the hundred appointit of before for his stipend, makes in the haill ane hundred pounds" from the hospital. Besides the two hundred and fifty merks which he received from the common good, he also obtained "ane pension of ten pounds yearly upliftit furth of the vicarage demittit be him into our Soverane Lord's hands, in favour of the Council and community." The value of the endowments still left in his hands must, however, have been considerable; for, not long after this, when increasing age caused him to demit his charge,

the arrangement made with his successor was that he should be paid by stipend only, and this was fixed to begin at seven hundred and fifty merks.

William Christeson appears to have occupied a respectable position in the Church. In 1569, he was Moderator of the General Assembly, and in 1576 was one of those appointed "to draw up and make overture of the policie and jurisdiction of the kirk;"[1] and when, two years later, "the buik of the policie of the kirk" was presented to Parliament, he was named one of the commissioners for its revision.[2] He had been of good repute, and diligent in his duties; for James Melvill quotes with much respect some opinions "of that faithful pastor of Dundee, William Christeson."[3]

1604. JAN. 10. At his death in 1603, there had been considerable arrears of tithes due to him; and his widow having been left in needful circumstances, some persons were "appointed to confer with the ministers anent the form of interteanment of Anna Wynter, relict of umquhile William Christeson, in time coming, and anent the order to be tane with the payment of the debts awing to her." A few months later, the Council "understanding her estate to be hard and necessitous, and how they of conscience and duty are haldin to support the said Anna, in respect that she has transferrit her haill richt to the stipend assignit to her husband furth of Lindores and Scone, and awing to her of all years bygane, quhairunto she had richt; therefore, concludit and bound themselves to pay her oulklie during her lifetime the soum of forty shillings for her ordinare sustentation, to be payit be the master of the hospital, by her house mail and the furnishing of coals to her house furth of the hospital."

ADMINISTRATION OF THE EFFECTS OF PERSONS DYING.

1561-2. JAN. 10. It having been found that the property of persons dying was often wrongously administered, and that "greit misorder does universally

[1] Melvill's Diary, 55. [2] Act. Par., III. 105. [3] Diary, 38.

chance daily to infants, young children, and bairns of them quhilk deis testit or untestit, men or women; forasmeikle as the father or mother departing this life, gif they mak ane testament and have guids, the bairns are defraudit, first be halding back of the griter pairt of them that comes never to knowledge, and then again by the ower little prices the guids coming to knowledge are set to, by the corruptit affections of the executors—fathers or mothers, quhilk have rule of the bairns in their less age." The Council, therefore, with paternal care, ordained "that there sall be twa honest men—responsal, famous, and godlie—chosen be the universal consent of the haill estates of the town, and power given to them to pass—quhidder they be requyrit or nocht—to vesy[1] man or woman in peril of death; and they, at their coming to enquire at the sick gif they will mak ane testament, and gif they consent, then the vesymasters shall despatch and put out of the house all manner of man, and woman, and bairn, except sic honest and sober persons as the sick sall desire to be present as witnesses; and the devyss and legacy then made be the sick person to be registrat authentically in the buiks of the vesymasters, who, after the decease of the person testit as said is, sall see the dead's will fulfillit. And gif ony man dee untestit, or mak nane inventor nor legacy," and the bairns of "the man deeing be unable to put to profit their pairt of the guids, then the vesymasters sall with all faithfulness tak up inventour, and incontinent cause the haill guids and gear—dead's pairt, wife's pairt, and bairn's pairt—to be roupit and put to the utter avail; and the wife to intromit with her pairt of the price gotten therefor, and the rest to be deliverit to them that will have just action to receive for the bairns: providing that it sall be in the wife's will to receive her pairt be division unroupit. And gif the wife dee untestit, then in that case the vesymasters sall come to the house and mak inquisition for all guids and geir being in her husband's possession, who sall give his ayth upon ane just and true inventour; and gif he hes ony bairns with his wife depairtit, their pairt of his guids to be modefeit[2] be the counsel of the visitors: providing that the father sall concur with them as effeirs, sa lang as he continues on-marryit. And when he sall think it guid to marry, in that case he sall be compellit to set caution to the

[1] Visit: examine. [2] Defined: fixed.

visitors, or his bairns be proclaimit of age, that the guids falling to them be decease of their mother sall be forthcoming when requirit lawfullie. And for the pains and lawbours taken be them in their office, sa necessarie and godlie," the vesymasters "sall have of every pound's worth of geir pertaining to the dead's pairt that they register, sax pennies, and when the geir is roupit, the expenses to be taken off the geir: and they sall have their buiks of inventours and testaments ready and patent to give furth copies authentic and subscryvit with their hands to all them that sall have just action and interest therein, and to nane uthers;" and they shall receive "for writing the copy half ane merk only." It was further enacted "that the persons chosen to be visitors sall bruik the office the space of twa years unchengit, they being found faultless; but gif they be apprehendit with ony fault, they sall incontinent be deposit: and they sall have ane buik [of accounts] honest and authentic, quhilk sall be vesyit at the year's end be the Council, and then put in the common kist."

"In consideration of the consuetude and custom usit be us within this burgh that burgess heirs that hes gotten heirship," also get "bairns' pairt of guids in like with the rest of the bairns, quhilk is against guid law and conscience; it is therefore ordained that in time coming all heirs within this town sall be content with their heirship only, without bairns' pairt of guids, and sall put their bairns' pairt with the rest of the bairns, conform to the use and consuetude of uther borrows within the realm." The practice had been in accordance with the old Scottish law, by which the heir was entitled not only to his inheritance, but also to a share of the goods along with the other children, providing that he had not accepted during his father's lifetime of a part of the property in full of all his rights. The alteration made is in agreement with the modern law, under which the heir has no share in the personal estate unless he renounces the heritage.

1561-2. Feb. 8. "Because of the grite hurt quhilk is daily sustenit be infants, young and unable to receive their awn heirship guids, but hes in their less age tutors and curators, quha receive the guids for them, and suffer the same to ruin and consume, or else use them to their awn use, to the grite hurt and henderance of young heirs; therefore it is ordained, that when it sall happen ony heirship guids to come into the hands of

tutors in the less age of the heirs, then incontinent but ony delay" they shall "cause the geir to be roupit openly and sauld to the highest avail; and the price thereof to be registrat in the buiks of the visitors. But gif the heir be of eighteen years of age at the least, then it sall be lawful to him to receive the heirship, and use it as it pleases him." The period of legal majority does not appear to have then been strictly defined. By an old Act it was ordained that the heir of a burgess shall be major when he knows money and can measure cloth.

1561-2. Feb. 28. If any person "has nominated executors to his latter will," and after his decease they "will nocht accept office upon them, nor receive from the vesymasters the money gotten for the guids and geir roupit, or gif it chance the pupils or minors to quhom the money pertenes have na tutors, then there sall be ane sure kist made with twa locks thereupon, to be set in keeping of ane of the maist faithful of the Council, quha sall have ane of the keys of the kist, and the vesymasters to have the other thereof; and when so ever the money gotten for the roupit guids beis declairit, the Council sall direct the keeper of the kist to receive and input the same in the kist, and the vesymasters to be free fra forder compt and reckoning thereof: and the money sall remain in the kist till the persons having interest require the same, or else [until it] be out tane again be an act and put into sure hands upon rent for sustentation of the minors;" in which case "the receivers sall mak security theirfor, and for the profits at the sicht of the Council."

"Gif ony person buys ony of the geir roupit be vesymasters, and be chairgit ance to pay the same and disobeys, then the officer getting the extract of the buik authentically subscrivit, sall poynd as lawfully ony person contenit therein as be virtue of ane act of the Bailies judicially."

1566. Aug. 21. A child upon obtaining possession of his inheritance, granted a discharge before the Council:—"Comperit Patrick Watson, son and heir of umquhile James Watson, skipper, and his curators, and granted themselves to have received fra Elisabeth Ireland complete deliverance of all heirship guids pertening to Patrick be decease of his father, except the deliverance of ane compt[1] and ane girdle; to quhilk grant-

[1] Or compter: a table or desk.

ing and confession the Council interponit their authority, and decernit the said Elizabeth quit of the heirship guids, the pairt before [noted] exceptit, for ever."

1563-4. JAN. 11.

A mother was entitled to the interest of her child's money for his upbringing. "Jonet Auchenleck, relict of umquhile James Clerk," represented "that Maister William Clerk hes intromitted with the soum of nine score merks pertening to William Clerk, pupil, her son, of three years of age or thereby, left in her hand to be sustenit until he be of the age of seven, conform to the laws; and as the common order of the burgh, tane anent the weillfare of pupils, provides that the profit of their money—ten merks of ilk hundred—be forthcoming either to the bairns' profit, or else to sustene them during their minority, she therefore desired the Council to modefie her ane reasonable soum yearly for sustentation of the pupil from the profits, seeing na pairt" of the money "is in her keeping." So they "modefeit the soum of twelve merks to be payit yearly to Jonet."

The highest legal interest was restricted to ten per cent., and usurious dealing was condemned. At one time the Council ordained "that quhaever uses to lend their money upon usury, they sall nocht only tyne the profit thereof, but also sall be punishit in their persons and guids." Lenders appear to have sometimes taken advantage of the irregular system of registration to do injury to their debtors. It was found that "grite defraud is done against men's heritages and lands be the giving of instruments of redemption of lands and annualrents be other notars nor the common clerk of the burgh, the seisyng[1] thereof being always patent, and the redemption far to seek in unkenth[2] notars hands, and their buiks nocht to be had; throw the quhilk there is grite skayth and inconvenience come upon the inhabitants; so for eschewing" of this it was ordained, "that na redemption sall be found lawful heirefter except the common clerk be the notar thereto."

1581. OCT. 2.

[1] Seizin: possession. [2] Unknown.

THE VICTUAL MARKET.

1562. Oct. 5. The market for the sale of grain and meal was subjected to strict regulations, so as to make all transactions open and evident, and ensure that the wants of the burgesses should be honestly supplied. It was enacted that "na baxters, browsters, nor maltmen sall come, or present themselves, or be seen in the bear market, before the time of eleven hours before noon, and that na landwart men, nor others presenting bear in the market, sall presume to open their seck mouths until eleven hours be striken." Also, that "na neighbours sall buy ony mair of victual, and in special meal, nor will satisfie their awn houses," or sell "ony bocht be them, to ony manner of person, or reset[1] within their houses ony brocht to the burgh, but let the same pass to the market;" and that all those "bringing victual sall present the same haill to the market, and dispone na pairt thereof but at time of day appointit, and to freemen, to satisfie their awn houses."

The offence of forestalling—that is, buying goods which were being taken to the market, in order to re-sell them at profit; and that of regrating—buying them in the market for the same purpose—always met with severe censure. Protection was then afforded to the consumer, and not, as in later times, to the grower of the corn, whose produce was in effect thirled to the nearest market as its natural outlet,

1565. May 8. and who had no recognised free-trade right of exportation. "Robert Jack, burgess of Dundee, coft in the Sheriffship of Perth, sixteen chalders, or thereby, of bear, which he brocht in ane boat to the port of the burgh." Straightway, "a complaint was made be the haill community touching his wrangous buying and regrating of the victual, and boating of the same to be transportit furth of the realm, thereby raising exorbitant dearth upon the haill commons"—there being "in this present year na grite fertility," and no "abundance of victuals sall appear to follow—and therethrow bracking the Acts of Parliament, and statutes of justice in the burgh." In answer to the charge, Robert

[1] Harbour: hide.

"comperit personally before the Council, and grantit and confest that he had coft the victual in grite quantity, and that he had boatit the same, but denied that he wald transport it furth of the realm." Bailie Kyd, however, "presently took in hand to prove that he offerit the victual to be transportit to Holland or Flanders, and for probation thereof, producit James Blair and Andro Clerk, mariners and awners of the ship quhilk Robert wald have frauchtit therewith, quha being receivit and sworn, deponed in presence of Robert, that he had really with effect offerit them ane fraucht for their ship to transport the victual to the pairts of Flanders furth of the realm. Upon quhilk declaration and confession, the collector of crafts protestit that the victual quhilk Robert had boatit, [should] be our Soverane Lady's escheat, to be intromettit with be her Highness' searchers." But Robert having "acted himself to loss[1] and house the bear quhilk he had presently in Andro Clerk's boat at the shore, and to sell and dispose it to the inhabitants as the market stands and na utherways, without any forder transporting, and having effectewslie[2] desyrit of the Council their licence and tolerance to do this, they grantit" him leave accordingly. Nothing, however, came of the proposal; for at the end of two weeks he again presented himself, "and exponit that he had now, like as at diverse times of before, offerit the bear to be sauld to the neighbours for sic price as he coft the same for—making his expenses thereupon—and that they refusit to buy it; therefore he solemnly protestit that he micht transport the victual to quhat port he pleasit within the realm, to serve the Queen's Majesty's lieges; and also protestit—gif he were stoppit—for costs, skayth, damage, and interest."

It would appear that he was then allowed to carry off his barley, and he probably took it abroad, notwithstanding his protestations; for Robert had engaged himself in contraband and dangerous dealings with Flanders, and two years after this he made a little speculation in importing counterfeit coin from thence, which turned out unfortunate, and brought his career to a sudden termination. The commonweal had for some time been sustaining great skaith "throw the home-bringing within the realm of false, corrupt, and counterfeitit cunyie, namit hardheads, striken and forgit in Flanders," and this notwith-

[1] Unlade [2] With force and effect.

standing that "certain of her Majesty's born subjects lately apprehendit for the treasonable crime had been worthelie punishit to the death;" so the Privy Council issued a proclamation, calling upon all Wardens to take measures for bringing offenders to justice.[1] Jack had been engaged in the business of exchanging his corn with the Flemings for these debased pieces, and then circulating them in Scotland to his profit; but he was now detected, and suffered for the offence. "Birrel, in his diary, relates that on 31st December 1567, 'Robert Jack, merchant and burgess of Dundee, was hangit and quarterit for false coin, callit hardheads, quhilk he had brought out of Flanders.' The importance attached to him and his crime is indicated by the payment of thirty-three pounds six shillings eight pennies to George Monro of Dalcartie, for expenses 'made upon six horsemen and four footmen for the sure convoying of Robert Jack, being apprehended in Ross for false cunyie.'"[2]

1565-6. Mar. 15. To prevent exportation of corn, the Council ordained that "gif ony person sall happen to apprehend ony victuals passing furth of the realm, or utherways in couping or regrating the market, he sall stay the same unto the time the Provost, Bailies, or officers having power be advertisit thereof, that order may be taken thereanent; and the stayer of the victual sall incur na skayth nor danger throw the staying thereof, albeit he be neither Bailie nor officer." There, however, continued to be much "couping of victual, nocht only in this market, but also in the country," by which "dearth was raised upon the sustentation of the puir commons" for "filthie lucre, quhilk is odious;" and it was resolved "that letters be obtenit of the Queen's Grace, and Lords of Council, to tak and apprehend the coupers and escheat their geir."

1568-9. Jan. 21. The harvest of 1568 proved to be so very bad, that there was almost a famine, and the Council again ordained "that na manner of victual be transportit furth of the burgh, or within the water of Tay in the libertie and freedom thereof, but that the same be reteinit to serve in the grite necessitie and dearth; and this until the time of new corn; for regrators and forstallers hes had sic libertie in times past that thereby this dearth is come to the country, as plainly may appear." The place of the meal market, at the west end of the Market Gait, gave

[1] Reg. Privy Council, I. 510. [2] Chambers' Dom. An. of Scot., I. 48.

facilities for the unlawful shipping of victual, and they ordered it "to be alterit and changit fra quhair it presently stands to the calsay above Patrick Rattray's land in the Overgait," (this was at the end of St. Salvador's Close, where the street is wide,) "for eschewing of the fraud usit be persons transporting the meal throw the closes next adjacent to the haven and port." It was further ordained, "that na unfreeman be sufferit to buy ony victual in the market until the township be first staikit, and that na freeman buy ony manner of meal [more] than will staik his awn house;" and Oliver Lindsay was "chosen for keeping the market be the space of ane oulk until the commons be staikit."

1582. Oct. 1. But there were other rogues in grain besides those who carried off the meal. "The bringers of it to the market usit grite defraud" by putting "gude and sufficient victual in the mouth of their secks, and waur in the midds and boddom," and it was enacted that no person shall "pretend to do the like under the pain of escheating of the victual." The neighbours were, however, prohibited from lifting it out of the sacks themselves, "for na inhabitant shall presume to mett ony meal, but lat the bringer mett his awn meal."

The market appointed for victual did not prove to be in a convenient place, and it was shifted back again. "The Council concludit with common consent, that the bear market be removit and translated fra the place quhair it is presently keepit, to the common bounds beeast the cuck-stule; and they ordained it to be keepit there in all time coming." But the neighbourhood of the seat of contempt was not very salubrious, for it was found "that be the placing of the cuck-stule in the Market Gait, a grite number of middens are layit and keepit there, abominable to be seen;" so they resolved that "the stule be removit and transportit to the fish market place with all diligence."

1604. Jan. 31. Special permission had sometimes been given by the Privy Council for the exportation of grain:—"The Bailies ordered the officer to pass and arrest the ship callit the David, presently laidenit with wheat to be transportit furth of the realm—as they are informed, and to [keep her] in arrestment till David Smairt, the master, produce ane sufficient licence grantit for transporting the wheat." But the cargo was evidently being carried off without authorisation, for two days later "the officer compeirit and declarit that when he past to the road, and fensit

and arrestit the ship, and intimat the arrestment to David Smairt, present, and likeways chairgit him to come on shore immediately and produce the licence, under the pain of ane hundred pounds, that David refused to obey, alleging that he wes passing to the seas."

The millers, who, from the time of Chaucer, held the reputation that they

> "Wel cowde stele corn, and tollen thries;"

were always looked after with jealous watchfulness. "Na mealmakers were sufferit to sell ony meal or enjoy ony privilege within the burgh, without they found caution to sell na meal in ony place within the Sheriffdom of Forfar, except in the market places of this and uther free burrows." They were also prohibited from conniving at the sale of it to persons from a distance. Cristell Russell, baxter, burgess of Striviling, was brought before the Magistrates charged with having unlawfully bought a quantity of meal. This he confessed, "and acted himself of his awn consent, that if at any time heirefter he sould be fund to buy any victual in great quantities out of the public mercat, that incontinent he sould pay for the use of the burgh the soum of ane hundred pounds;" and thereafter, "Thomas Nicoll, mealmaker, who, contrair to the acts of the burgh, sold certain meal in great quantities to Striviling men out of the public mercat, was unlawed in the soum
1610. Mar. 13. of five pounds." "Simon Hill bocht aucht bolls of meal fra Thomas Red, within thir ten days last bypast, and sold the same again to twa neighbours of St. Andrews for profit and commoditie; and therefore the Council convict him in regrating the market, and ordanit ane boll of the aucht to be confiscat and delivered to the puir of the hospital, and the remanent to be presented the morrow in the market, and sauld there for four pounds five shillings ilk boll; and that Simon desist fra
July 17. using the like unlawful tred." Certain mealmakers were accused "of using of ane false straik for straiking the measures of meal when selling to neighbours." The edge of this article had been curved, so that when it was drawn across the measure, the meal would be beneath the brim. "John Kynneir, one of the millers, confest that the straik appertenit to him, but that he had nocht long usit the same alway. He confest his fault most penitentlie, and remittit himself in the will of the

Council, faithfully promitting to observe quhatever they sall decern him to do for his fault; and siclyke," two others "confest that they had sauld six bolls ait meal quhilk was straikit with the straik." Kynneir was fined twenty pounds unlaw, "and ilk ane of the other twa, forty shillings;" and they all "were inhibit from selling meal either openly upon the market, or in any uther place within the burgh."

HUCKSTERS, CHAPMEN, AND CADGERS.

1562. Oct. 5. The dealings of the lesser traders were strictly regulated. "Na hucksters within the burgh, sall buy heirefter in the market to tap[1] again, ony fowls, eggs, or mussels, under pain of the escheating of the same, and the dealing thereof to the puir;" and afterwards the prohibition was extended to butter, cheese, fish, and salt; and the punishment for offending to banishment. But the restriction was latterly modified so as only to prohibit them from buying these articles "upon nicht, or on market day or uther days before twelve hours," and until "the town be staikit." They were not, however, allowed to "coup greit salt, smiddie coals, iron, corn, stray, or uther merchandise, but only [such] things as pertene to huckstery. And nane of them had leave to sit at the Market Croce," (on the steps of which the farmers' wives sold their produce,) "or on the Hie Gait, but at their doors or windows, or the close heads quhair they dwell."

1567. Oct. 7. The system adopted by the cattle reavers of removing the skins and heads from their prey, before bringing it into market, for the purpose of preventing identification, was followed by the humbler cairds whose vocation lay amongst poultry; and it was ordained that no "person bring geese to the burgh plukkit, or wanting the heads or the feet, under the pain of escheating and dealing the same to the puir, and this for evading the stealth of geese made in the country." It was enacted "that na merchants lose[2] meilt[3] butter or cheese in their buiths, or buy meilt butter in greit, but that the bringer of the said butter

[1] Sell out. [2] Break up. [3] Salted.

shall stand at ane place assignit to him, and sell openly for the space of six days to all neighbours, and theirefter quha buys the same in greit sall sell it at the same price, pund or twa pund, as effeirs; and it to be weighit only at the weigh-house." "Na merchant cramer,[1] nor cheipman,"[2] was, however, allowed "to stand upon the gait except upon leave on Saturday only, and that with geir cheipit[3] within the realm, under the pain of eight shillings ilk time that [any offender] be fund."

The town has always been well supplied with fish by the fishermen belonging to the villages at the river mouth and along the neighbouring coast. The market was held in the street which had then the designation of the Highway to the Shore Head, but was afterwards called Fish
1566. Dec. 2. Street, and to this place the Council tried to confine the traffic. Robert Duncan became bound "never to put his fish to na huckster's door, nor utherways by the common market, under the pain of dealing his fish to the puir." Certain persons had been making undue profits between the fishermen and the inhabitants, and it was ordained "that cadgers sell na fish in the market but only them that they buy at the fish boats, and in havens and places quhair they are slain," and these they shall "incontinent present to be sauld;" and they shall "keep na dry nor greit fishes in ony booths or houses, but present them to the market, there to remain continually, that they may be seen and considerit be the buyers." The cadgers were, however, difficult to keep in order, as they not only continued "regrating and couping the fishes, to the greit hurt of the neighbours of the burgh and the King's lieges resorting thereto," but also "usit greit fraud and falsett in bringing of dry fishes to the burgh knit in dissons, the greit fishes being without, and within, rotten and small codlyngs and lyng;" and it was enacted "that na cadger bind up the same, or sell them to ony person but
1611. Aug. 8. lowse and open." David Methven "transgressed the acts made anent the buying of hard fish pertening to strangers before the offer thereof made to the town, be entering of the bark pertening to Henrie Paterson, quhairin the fishes were contenit," and buying them there; and when "the Council convict him, and ordainit that he pay twenty pounds unlaw," he used improper language, as is the custom of cadgers, and

[1] One who kept a small booth or crame.
[2] Otherwise cheapman, or chapman.
[3] Purchased.

"maist irreverentlie uttered thir words in their presence, 'The devill ding out the harns of thais that brocht ony fishes to the town!' and therefor he" had to pay other ten pounds. "And siclike, William Johnson, cordiner, was convict in twenty pounds, as being pairt awner with David in the blok,[1] in respect of their awn confession."

In 1596, "the duties of the fish stock devysit be the Council, and observit inviolable in times past," were specified to be:—

"For ilk hundred dry grit ling, - - - Four pennies.
Item, for ilk hundred fresh fish to be inbrocht within the burgh be cadgers, - - - Twa pennies.
Item, for ilk Ferrie wyiff ilk tyde, - - Twa pennies.
Item, of the flukers for ilk tyde of outsea fishes, Twa pennies."

SELLING SKINS AND HIDES.

1562. Oct. 5.

It was found that "landwart fleshers, they being unfreemen, pack, pect,[2] and gather skins and hides in greit quantity, and mak merchandise and traffic therewith to unfreemen, express against the common weill, libertie, and estate of merchants, that bear charges and pay stents and taxation to the authoritie for their freedom and liberties' cause." These unlawful traders also "usit greit fraud and falsett in bringing the skins and hides of the flesh slain be them, pullit, cuttit, and tarledderit[3] in sic fraudful manner as nocht only obteins merchants greit skaith and infamy in uther countries, but also, divers sheep being stown can nocht be tryit be their marks quhen they come to the market." The Council therefore ordained "that na flesher presume to bring ony flesh to the market without he bring the skin and hide therewith, and that the skin have the legs upon it, and be at na pairt pullit, and the hide untarledderit; and also that nane presume to bring to the market ony

[1] Scheme.

[2] Pack and pect is to trade in pack goods and peltry; the words are probably synonymous with "pack and peile," a phrase which Jamieson says is used to denote unfair means of carrying on trade.

[3] Treated with a preparation of salt and tar.

salt flesh, dead in ony seikness, [or in] put or mair;"[1] and "for eschewing of manifest defraud," they resolved "that twa honest men, ane merchant, and ane skinner or ane cordiner, be chosen to apprise the skins and hides ilk Saturday."

1591-2. JAN. 17. After the lapse of years, it was found that the land fleshers still continued the practice of "pulling, scoring, and tarleddering the sheep skins sauld be them to neighbours, quhilk, being transportit beyond sea and sauld in foreign pairts be merchants of the burgh, are tryit to be insufficient merchandise, quhairthrow nocht only merchants sustene grite skaith be defalcation and rebating of the price thereof, but also the country lies under grite slander; for remeid whereof," it was further enacted "that all skins brocht to be sauld in the market, sall be visited ilk market day, and the insufficiency thereof duly apprysit be the deacon of the skinner craft, or sic of his brethren as he pleases to appoint, and are sworn for that effect; and that nane presume to sell or buy ony skins before they be apprysit; and quhasoever beis fund to have dischairgit[2] the apprysing, to be esteemit partaker of the seller's fraud."

1609. DEC. 4. Parliament in 1608 passed an Act for regulating the prices of boots and shoes according to the value of leather; and the Magistrates of Dundee were charged "to accept upon them ane commission given to them and to Sir William Graham of Claverhouse, to convene yearly in June and November to tak trial of the prices of rough hides, and of the difference between the rough and the barkit hides, and keeping the ground of the difference proportionally, to set down reasonable prices upon the boots and schoon; with penalties upon the cordiners" of the burgh "quha sall contravene, and heicht the said prices." They accordingly "accepted the charge, and promised faithfully to put the same in due execution;" and Sir William also promised "to dischairge the commission according to his conscience and knowledge."

[1] Otherwise "pott or myr;" that is, pool or mire. [2] Prevented.

CANDLEMAKERS.

As oil had not yet been much in use for the production of light, tallow was a most important and necessary article of domestic consumption. Its exportation was prohibited, and care was taken to provide for its economic distribution. All candlemakers were enjoined "to mak their candle guid and sufficient, and to tak na mair price betwix a stane wecht of candle and a stane wecht of tallow nor twa shillings, and all uther small wechts conform," and to buy only so much "tallow as they mak in candle." Similarly, the consumption for household manufacture was restricted, and no neighbours were allowed to "buy ony mair nor they mak in candle to staik themselves." To regulate the trade, all the fleshers were required to pass "every market day at ane efternoon to the tolbuith, and give their aiths quhom to they have sauld the tallow creice of the flesh slain be them," under the pain "of being dischairgit fra forder coming to the market." 1562. Oct. 5.

Parliament having in 1573 enacted "that nane of the subjects of this realm tak upon hand to transport [abroad] ony manner of linen claith, lint seed, candle or other tallow quhatsumever, eating butter, barkit hides, or made shoon;"[1] the Town Council, "in consideration of the greit wrang and oppression committit be diverse particular men against the King's lieges, in the transporting of tallow and other forbidden guids, as weill in the nicht as in the day time; ordained for the eschewing thereof, that na persons presume to buy ony mair tallow nor the quantity of six stanes yearly, nor that may reasonably sustene their awn houses; and quha beis fund buying ony utherways sall nocht only tyne their freedom, but their names sall be given to the fattellars[2] to be punished according to the Acts." To ascertain that it was all made into candle, they enacted that "the fleshers, sellers of tallow, bring the same to be weighit in the common weigh-house, and the weigh- 1582. Oct. 1.

[1] Act. Par., III. 83.

[2] Those appointed by the Privy Council to take cognizance of defaulters.

master to write up the names of" the buyers and sellers "in his common buik, and mak yearly compt thereof to the Council; and that all candlemakers, and buyers of candle above four pund, present it in the weigh-house, and mak ane Bailie be advertesit thereof to see the same weighit; and the weigh-master to write up in his buik the names of the buyers and sellers, with the quantity thereof, and the candlemakers to have ane buik, and write the names of them that buy fra them under four pund; to the effect it may be contrewit[1] that their wecht and deliveries agree togidder."

But the illegal traffic was still continued; and "the names of the haill persons suspect for airt and pairt in the transporting of tallow and uther forbidden guids," were ordered "to be put in a roll that they
1590. Ap. 7. may be judicially callit and pursued." Fifteen barrels having been "apprehendit and tane furth of the ship callit the Primrose," they were "sold to the deacons of crafts, and the Dean of Guild" was instructed "to receive the money, and retene the same in his hands until order be tane anent the disposition thereof." When he obtained it, "the Council grantit them to be completely satisfeit be the deacons of the price and avail of" the tallow "quhilk wes tane furth of the Primrose as forbidden guids, and therefore dischairgit them, with all uthers quhom it effeirs, thereof for ever." No question arose as to accounting with the King's officers for the seizure; but the Council used the money to buy wood for the new schoolhouse roof, and "ordained the Dean to wair" the balance of "the sylver of the tallow being in his hands upon ane green clayth for the Council house buird."

1590-1. Jan. 19. William Spense "of his awn accord faithfully promittit and oblist himself na way to transgress the act made be the Council, (quhairof he" professed that he "wes ignorant of before,) anent the transporting of forbidden guids furth of the realm; so that he sall be as far subject in observation thereof in time coming as ony uther inhabitant of the burgh quhatsoever." William had been putting his goods on board a vessel then loading at the harbour, and the Council were not satisfied with his obligation only, for the following week, "upon rumour anent the shipping of tallow in the Pelican, they ordanit the aiths of the skipper and of all uther persons quha hes shippit ony guids in the

[1] Contrived: found out.

ship to be tane" thereanent; and prohibited "the coquett[1] being deliverit until the very instant hour of the ship's departing."

1591. Oct. 21. For the prevention of this contraband trade, some persons of the Council "travelled with William Clayhills, merchant, for his acceptation of the office of searcher;" and he was afterwards appointed to look after "all forbidden guids, sic as tallow, wheat, beef, salt butter, and uther vivers and guids that may be apprehendit barrelit or shippit to be transportit furth of the realm; for quhilk the Council appointit to him twenty pounds of fee until Michaelmas, and twenty shillings of ilk barrel of tallow or butter he sall apprehend, with ane duty of all sort of forbidden guids at their discretion."

1613. Oct. 14. "John Clerk, candlemaker, was convict, be his awn confession, in selling of molten tallow unmade in candle to diverse neighbours." For this he had to pay an unlaw of ten pounds, and he was inhibited from repeating the offence "under the pain of banishment and tynsel of his freedom for ever;" and "because the place of his dwelling was very suspicious, and thoucht to be a meitt meane[2] for covering of his unlawful tred in barrelling of tallow to be transportit furth of the realm; he was ordained to remove himself at the feast of Whitsunday, and dwell in all time heirefter upon the north side of the burgh, under the pains foresaid." John's house had been near to the water side—probably in Candle Lane, the outlet of which was to the river—and this would give facility for putting tallow on shipboard; but his judicious deportation to the other side of the town would likely restrain any further smuggling operations. In 1625, the Privy Council issued a proclamation against "those godless and avaritious persons" who continued to break the law by exporting tallow—"a crime most pernicious and wicked;" and shortly afterwards James Lownie, another candlemaker, who had been thought a suspicious person, acted himself before the Town Council "that he, neither be himself, his wyiff, bairns, nor servants, shall melt ony tallow which by his or their knowledge shall be exported aff this kingdom; and that he shall willingly prefer and serve all good neighbours of the burgh and others his Majesty's lieges resident within the kingdom of Scotland, under the pain of ane hundred pounds for the first fault, and banishment for the second fault."

[1] Clearance. [2] Convenient means.

THE TOLBOOTH.

In Scottish burghs, the tolbooth—literally the place at which taxes were paid—was the important municipal centre where the Magistrates and Council held their meetings, and where burghal justice was administered; and it also usually contained the prison for warding offenders. At an early time, when Dundee was of very circumscribed extent, and its site was so far eastward that St. Mary's Church stood in the fields, the tolbooth was on the south side of the Seagate, near by the place where a figure which is still maintained in the causeway denotes the position of the old market cross. We have no knowledge as to when this building ceased to be used, but we find that at a later period, the tolbooth occupied a site on the north of the Market Gait opposite to where Crichton Street is now, between the house of Our Lady Wark-stairs on the west, and the corner land on the east; and that this one, although much injured by fire when the English burned the town in 1548, continued in use until 1562, when a new house having been erected on the south side of the street, it was appropriated for other purposes, and became known as "the auld tolbuith." It had been a curious timber-fronted building, such as was common enough in the old burgh, having along the ground story a line of wooden or stone pillars, which carried the upper structure and formed a piazza in the front of the booths—the burghal chambers being probably all above. At the time that the house was disused for public purposes, Robert Pyper obtained a lease for his lifetime of one of these booths; and in improving the front of it, as the manner of burgh traders yet is, he made an objectionable encroachment upon his neighbour; and the Council, "being convenit upon the ground of the land callit the auld tolbuith, decernit him to tak down, and to hald down in time coming, the skelf or buirds put up be him abone the door of Elspeth Durham's low buith adjacent to his awn buith window, and also the traveis[1] of timber quhilk holds it; because they consider the same to be ane novation,

1563. Ap. 30.

[1] Partition.

and that be virtue of his title he hes na power" to make the erection. Afterwards, when a question arose regarding the amount of his rent, they found that "the buith occupyit be Robert in the ground of the auld tolbuith, is worth three pounds of mail yearly in all times to come, saving weir and pest; and gif weir or pest occur in his lifetime, the same to tak order conform to the rest of the town." He likewise got possession of what had probably been the Council chamber; and certain alterations having been made upon it, for his share of the cost he was charged "to content and pay the treasurer the third pairt of the expense of the loft above his buith, with the third pairt of ane of the schott nallis,[1] and the third pairt of the door and window of the buith." 1563. Aug. 12.

This building remained for a long time unchanged. In "Dundee Delineated," an octogenarian who gives some curious reminiscences of the town during the latter half of the last century, in describing the old houses "mostly wood with pillars, and a walk within them, leaving the shops and houses behind very dark," refers particularly to one which had formerly occupied the place "of that large land facing Crichton Street; it was then a timber land, the stone wall being seven or eight feet behind the wood, and in this space, which was open below, were the doors and stairs down to the cellars. These cellars belonging to the inn of the house possessed by Mr. Lyon were often open at night, and several severe accidents happened."[2] This, no doubt, was the old tolbooth, the designation having become forgotten. It was taken down about the end of the century. The "large land" erected in its place was named "Camperdown," in honour of Admiral Duncan's victory in 1797.

Adjoining the tolbooth was the last of these picturesque old houses which remained undemolished. In the rental roll of 1581, it is designated "the land callit Our Ladie Warkstayris," and also "the tenement callit the Ladie wark stairis, lying next at the west end of the tenement callit the auld Tolbuith;" but in later times the name became changed into Lady Warkstair's Lodging—evidently a corruption, for the prefix "Our" could only refer to the Virgin, as Our Lady Gait, which was the name of the narrow part of the Nethergate leading from hence

1 The meaning of this word is not clear; a schott was a projecting window.

2 Page 142. In the "Dundee Register of 1782," Lyon's Inn is described as being near the guard house, which stood upon the High Street, at the west end.

westward to the south-east stile of St. Mary's Church. I cannot learn of any religious house of Warkstairs to which this might have been subordinate, and am inclined to think that as the term Wark is an old designation for hospital, it had been Our Lady Hospital—a benevolent foundation probably for poor women, as the one westward at Monk's Holm was for poor men. The name at one place is written Wark stairs in separate words; and the house had within it at least two flights of stone stairs, which suggests that this peculiarity may have caused the addition of the latter word. The structure was of considerable size, having double gables fronting the street, with irregularly-placed narrow windows—two stories of them being within the slope of the roofs; and it possessed a quaint look of antiquity, which made it an object of curious interest amongst modern buildings. Originally there was an open piazza along the front between the stairs which ascended at either end, but this had been built up in modern times. When the house was demolished, a row of well cut stone pillars, which had carried the wall, was found imbedded in the masonry.

At the beginning of the seventeenth century, the owner of this building was troubled by the encroachment of a neighbour upon his back wall, and of this he made complaint to the Council in a supplication which has been preserved:—

1606. Ap. 3. "Unto your worships humble menis and complains your nichtbour David Coustoun, burgess of this burgh, upon James Stewart—

"That quhair it is nocht unknawn to your worships, how the said James surreptitiously hes ædefeit and biggit ane chalmer contigue to my backside wall of the Lady Warkstairs, and hes thekit the samin and compleit the wark by ony advice or consent of me, quhilk his fayther of before was debarrit be your worships thairfra, and so intends to injoy the same as gif he had obtenit liberty and faculty of me thairto, contrair all order and equitie; and thairfor beseiks your worships to cause and compell the said James demolish the samyn, and repone me in als gude estate as I wes of before. And your answer."

The new tolbooth was erected where the present town house stands, upon a stripe of ground between the Market Gait and the wall of St.

Clement's Churchyard, the width of which is shewn by a part of the old wall yet standing to the east of St. Clement's Wynd. It was probably built out of the material of the Gray Friars' Monastery. We know that the flesh house was so, and that the two structures were being erected at one time, and had material in common. The treasurer was instructed "to tak the readiest timmer in the new tolbuith, and put the same in wark to the outred of the flesh house;" and a common taxation was imposed "for satisfeing of debts restand awand in bigging of the tolbuith and the flesh house." There are a few entries in the records regarding charges for the work. The treasurer received orders to give Patrick Walker "the soum of thirty shillings for his skayth in bigging of the ruiff of the new tolbuith, and"—it is added in singularly inexplicable words—"lyeing waist of this burgh," which probably means that the payment was for his work in making the roof out of timber then lying waste; and to pay David Scott ten merks "for his lawbours in painting of the tolbuith, togidder with the fewall[1] given be him to paint with."

1562. Oct. 5.

We know little about the appearance of this house, excepting that its front wall stood upwards of forty feet high, and was surmounted by battlements, and that access was had to the upper floors—occupied as Councilhouse, offices, and prison—by a projecting stair rising up from the street. In the under part of the building there were "seven laich volt buiths" or cellars, "ilk ane of which was held in feu-ferm at eleven shillings five pennies, and seven heich buiths" or shops, which in 1581 were "set at four pounds the piece of rent," besides "a chop at the east end," where there appears to have been an open space. The common bell was hung "upon the north-east nuik of the tolbuith," and it was afterwards replaced by a larger one, "at the ringing of quhilk the Guildry convenit with their Dean for treating and ordering of their awn matters." Subsequently, however, the use of this bell was discontinued for that purpose, and it was for some time rung only for calling Council meetings.

1580-1. Jan. 9.

There had been something faulty in the original structure of the house, probably because of the use of the old material in its erection; and after twenty years, grievous complaint was made "of the wrack and

1582. Ap. 25.

[1] Or feale, a servant.

decay of the tolbuith," as well as other buildings, and it was resolved "that all unlaws be uptane without respect of ony person for reparation of these common warks, because of the great need and mister." In 1587, "certain weill-willed persons of the Guildry, bearing an earnest love to the reparation and policie of the tolbuith, and specially concerning the stanchioning and ironing of the base windows, granted to give freelie, iron for reparation of the same, as their names set down will testify for ane perpetual memorie." They gave this at a cost of one shilling per pound; and also gifted glass for some of the windows at three shillings and nine pennies per foot, besides "three arms to put thereon"—which would be in stained glass—at an expense of three pounds six shillings and eight pennies.[1] The principal floor, which was
1588. Dec. 2. of wood, having apparently given way, it was resolved to replace it by vaulting, and the treasurer received instructions "to warn the haill occupiers of the buiths under the tolbuith to remove therefra at the feast of Whitsunday next; and sic as hes the same in woodset,[2] to be warnit to Whitsun even, to receive the soum contenit in the reversion grantit to the town for the redemption thereof." The deacons of crafts were always consulted regarding any alterations upon the property of the burgh, and a memorandum was made "to remember on Tyisday next to crave their advice and consent to the rouping of the heich buiths under the tolbuith for maist yearly feu-mail, and for relieving the same of the burden of fifty-one pounds presently thereupon, and also for vaulting them sufficiently." It was then, after consideration, "concludit to set the haill buiths under the new tolbuith to sic persons as will give [for each] the present mail extending to five pounds yearly, in name of feu-ferm, and will be subject to vault the same sufficiently above, and [lay] pavement within the tolbuith [over them], and will give maist grassum therefor be common rouping." The arching was executed by William Spenss, who subsequently lent his centres to the town's service in building the new school.

Shortly after the Guildry was deprived of the use of the bell, "the Dean and his assessors resolved to cause edifie and repair ane steeple and pricket of ashler wark upon the east neuk and tunzie of the tolbuith, for hanging thereintil of the Guild bell;" and they contracted

[1] Warden's Burgh Laws, 143. [2] Security.

with a mason to erect "ane sufficient prick of fine ashler wark weill hewn, rising with aucht square panes like the old foundation of the wark, in hicht fra the alreing[1] of the tolbuith to the thak table eleven foots, and the thak to be raised thirteen foots above the said table. Aucht lichts or windows to be put in the bodie of the prick in sic pairts and of sic hicht and wydness as the Dean sall appoint. Under the thak to circuit ane limber table:" and the mason to "decore the wark be putting on every tunzie lookand toward the Hie Street, ane knap with ane fyall thereupon; and in the thak to place aucht little lichts with fyalls upon the heads thereof." The accounts shew that the sum of one hundred and ninety-one pounds three shillings and seven pence had been expended "for repairing the bell house on the north-east pairt of the tolbuith."[2] The erection of this highly decorated structure did not, however, entirely satisfy the Council. They got a new clock for the house, and found that there was no place in the belfry suitable for it; so they resolved that "all unlaws be applied to the reparation and ædifeing of ane steeple of timber upon the midds of the thak of the tolbuith, and placing of the new knok therein, and that the master of wark sall apply all the unlaws to the said wark and to na uther use." 1609. Oct. 3.

These ambitious erections had, however, proved injurious to the stability of the building. At first it was weak in structure, now it had been made top heavy, and there afterwards followed much reconstructing of the upper part, so as to keep the roof water-tight in stress of weather. In 1642, "the Council ordained the Councilhouse to be repaired be advice of craftsmen, and that with all convenient diligence;" and some years later, "that pairt of the high tolbuith above the Councilhouse" was again in need of reparation. But nothing effective was done until they had further considered "the defect of the battlement of the tolbuith, and how, quhen any rain falls, the samyn comes throw the battlement upon the side wall thereof," and resolved "for remeid to consult with John Mylne, master mason, and agree with him upon the best and easiest condition may be had for helping thereof;" when that expert craftsmen appears to have given it some substantial reparation. Then the steeple upon the roof, having either been taken down, or blown off, the building was relieved of top weight, and con- 1648. Mar. 21.

[1] Wall head or battlement.

[2] Warden's Burgh Laws, 144.

tinued to serve its purpose for a considerable time. But early in the eighteenth century, William Adam, architect, Edinburgh, after inspection, found that the heavy roof had pressed out the side walls until they had become unsafe; and then it was demolished, and, from plans prepared by him, the present Town House was erected upon its site.

DISPUTES REGARDING THE RIGHTS OF NEIGHBOURING PROPERTIES.

Although there was usually but little regard paid in the old burgh to the amenities of convenient and open streets, of free thoroughfares, and perhaps even to public rights of way, yet the individual privileges of burgesses in the accesses, the lights, and the watersheds of their properties, were guarded with a jealousy which sometimes caused unreasonable opposition toward the erection of adjoining buildings. In the settlement of such contentions, which were called "questions of neighbourhead," care was, however, taken that objections should not be of a frivolous or improper nature. "When a person desires inhibition to be put to his neighbour's wark and bigging, he sall lay in pledge in the Bailies' hands or ever the inhibition be grantit, the soum of twenty shillings of unlaw, to be upliftit of him in case he be fund in the wrang; and in case the person quhom upon he complains be fund in the wrang, the Council coming upon the place sall poynd for twenty shillings or ever they pass aff the grund." Regarding the right of persons to have windows overlooking the property of others, it was enacted that no one shall "presume to strike furth of his side wall or gavel, upon his next neighbour's close or house, ony round O's[1] but in manner following—that is to say, that the said O's be only in breid and length ane fute of measure, and that they be stantionit with iron and glassit, and be of the hicht betwix the nedmost pairt of them and the ground, or loft, baith within and without, the space of aucht futes." Shortly afterwards, a dispute arose about such an encroachment, "and the Council being

1562. Oct. 14.

[1] Small circular windows.

convened upon the ground of Patrick Ramsay's land, lying on the north side of the Mercat Gait, anent the complaint of Robert Robison, litster," showing that "Patrick, and uthers in his name, had stricken furth lichts and windows for-against Robert's close; they, taking consideration thereof, decerned Patrick, and his spouse now in his absence, to tak down the lying window biggit be them for-against Robert's close, tenement, and window, and big nor strike furth na uther lichts nor windows, but only either O's of ane fute breid and length, or else windows in the gallery as use is."

1562. Oct. 13.

David Gardine, mariner, was building or altering a house on the east side of Skirling's (now Tindal's) Wynd, and he wanted to erect an outside stair, with a shed under it, projecting farther upon the roadway than those of Thomas Kinloch and Thomas Crystal, his neighbours on either side. So objections were offered to the scheme; and when the Council visited the place, they refused to sanction his proposal. This aggravated the sailor, and he behaved himself most indecorously to them, "and said in their presence to their defamation, that if he had silver eneuch, he wald buy them all, or [words to] that effect. In respect whereof they convict David in the pains contenit in the acts made against them that blaspheme Provost, Bailies, and Council," and ordained him "to come openly to the place quhair he made the offence, and there upon his knees desire their forgiveness;" and enjoined "the officers to uplift forty shillings of his readiest guids and geir. And anent his privilege and bigging," they decerned him "to keep the order efter specifeit—that is to say, that the upmost and northmost corbel" or step "of his stair, be only of the length of three futes and ane half, and the nedmost and southmost only four futes, and that all the rest of the corbels skew lineally fra the north to the south corbel." They allowed him to "have privilege to big ane cheip or pentis[1] under his stair, as bred at the southmost pairt as Thomas Crystal's next cheip, and therefra evenly ascending and skewing upwart of the length of aucht futes, and na farder, as the stair aboun skews;" but ordained "that he sall nocht big ony may[2] cheips under his stair. Upon the quhilk, Jonet Lin, spouse of Thomas Kinloch, askit acts."[3] David evidently held, with a famous statesmen, that every man had his price,

[1] Shed or penthouse. [2] Any more. [3] Extract of decree.

but he did not come to particulars, and in effect set the value of the city fathers indefinitely high. "Your if is a great peacemaker;" and they could not have felt much resentment at his language when they punished it so lightly, and acknowledged withqut demur his right to have a hanging stair upon the street. This latter shows how little regard there then was for having a free road to the harbour; Skirling's Wynd was one of the two principal accesses, and the narrowing of it by the erection of these stairs reduced the width so that nothing bulkier than a horse load could pass through it.

1566. JULY 31. In the same neighbourhood, a land "belonging to twa bairns, Alexander and David Wedderburn, falling down be chance and at God's pleasure, and the bairns nocht being able to big it of the estate as it wes of before," their guardians proceeded to repair the tofall belonging to it, "and to theik the same, and place the windows as the decreet of the Council specifeit. Of before only the half of the eavesdrop of the bairns' land fell in Thomas Kinloch's yaird; but now, by his benevolence and tolerance," the whole of it was allowed to be diverted there, upon the guardians becoming bound that this should "nocht prejudge Thomas in his richts, nor be hurtful to his yaird; but that, at the coming to perfite age of the bairns, he sall have guid action by use and consuetude to cause them ease the water in the roof, as was done in time bygane."

1567. JUNE 9. John Ferrar, whose land and tenement lay between Argylesgait and the common burial place, believing that Alexander Brown, his neighbour on the east, had made encroachments upon his property, he applied to the High Court for authority to hold an inquest of neighbours to red his marches; and this having been granted, and proclamation thereof made, he, after fifteen days, in the presence of the Bailies, "producit our Soverane Lady's brief furth of her Highness' Chancelary for lineation of his land and tenement. The brief having been [again] read, and all having interest oft times callit, nane compeirit except Alexander Brown," who, dreading the result of the inquiry, used his utmost endeavour to prevent it being made. In the first place, "he allegit that the brief wes directit to the Provost and Bailies, and that the Provost being absent, the Bailies could nocht proceed to serve it." But John Ferrar, who was a very good match for his neighbour, "allegit

the daily practik observit universally throw the haill realm baith to burgh and land in the contrair, that ony ane judge micht proceed: and the Bailies repellit the allegance. Next, Alexander allegit that the Bailies and clerk aucht to have baith been present at the proclamation of the brief, and the clerk to have read it himself, and allegit that his servant read it, and that the Bailies were not present, and therefore na execution aucht to follow. John, in the contrair, allegit that the clerk wes present quhen his servant read it, which wes sufficient proclamation, and that the Bailies gave command to the officer to proclaim the brief, which the officer now verifeit: and the judges repellit the allegance, in respect of the answer verifeit. Then Alexander producit ane instrument of sasine, wherein his son wes lately infeft in his land in fee and heritage, and allegit that because he wes nocht specially warnit, na process aucht to be led forder upon the brief. But John allegit in the contrair, that in respect of the lawful proclamation of the brief fifteen days before, quhen all parties having interest were warnit as use is, he aucht to mak na mair special warning; and also it wes uncertain if Alexander's son wes infeft, but that Alexander, buyer and bigger of the land, wes warnit, and is compeiring, quhilk is sufficient: and the judges repellit the third allegance in respect of John's answer."

Then they put "the matter to the knowledge of the persons of inquest, quha being sworn, and passing furth of court to the lineation of the auld bounds, meiths, merches, and privileges of the land, and entering in again, they, be the mouth of their chancellor, found that of auld the spout at the fore front land ran nocht, nor the water fell nocht haill upon John's land as it does presently, and they ordained the spout to be removit incontinent. Secondly, they found that Alexander hes biggit his stair of stane baith upon the bounds of John's gavel and his awn, and some pairt westwart mair upon John's land; therefore they ordained that sa meikle as is mair west nor the twa gavels, be cuttit be craftsmen incontinent; and the stane stair to serve for baith the lands. Thirdly, they found that of auld there had been a passage or watergang betwix the inner houses, of the breid all throw of aucht inches and ane half, and that Alexander hes biggit the side wall of his inner house upon the haill bounds of the passage, and therefore they ordained him to remove his side wall therefra, and keep the passage of the auld

estate." So John, having overcome his adversary, "he protestit for costs, skayth, damage, and interest for the rotting and spoiling of his wall throw Alexander's bigging; and also, that in the points quhilk as yet are nocht handelit, he may have the same liniat,[1] quhen time and peace may serve him to pursue."

The time was not now opportune for further legal process; the peaceful aspect of the country had become clouded, and there was such disorder that the Lords of Session themselves had just been forced to leave their court. The marriage of Mary with Earl Bothwell took place three weeks before this, and a national revulsion had arisen against the audacious doings of the King's murderer. Within a few days, an officer at arms at the Market Cross called upon the Dundee burgers "to be ready upon three hours' warning, to pass with the Lords of Council to deliver the Queen's maist noble person furth of captivity," and bring the Earl, who "hes seducit be unlesome ways our Soverane to ane unhonest marriage, to underlie the laws of the realm."[2]

1567-8. JAN. 29. The success which attended John Ferrar's endeavours to red his marches, probably induced a burgess farther up Argylesgait to try the same method a few months afterwards. James Kinnaird had a house overlooking the kirkyard, and next him on the west, and to the east of Mid Kirk Stile, lived a widow with whom he had not been on neighbourly terms, and a question arose between them "upon the richts had be James in the gavel standing betwix his land and hers—James alleging that he had the half of the gavel, and the privilege of ane stair of stane ascending up to his land upon the [out] side of it; and she alleging that he had na privilege in the gavel, but only to big" against it, and denying the poor man the right of access to his own house. So he took measures for having his privileges defined, and in presence of the Bailies "producit ane brief, direct furth of our Soverane Lord's Chancelary," (Mary was now at Lochleven, and her infant was King,) "for the lineation of his tenement; quhilk being read upon the ground, and all parties having interest oft times callit, nane compeirit except Agnes Wricht, relict of umquhile Robert Ramsay; and the Bailies put the brief to the knowledge of an inquest" of twelve burgesses, "lawfully chosen, admittit, and sworn. Quhilk assize being removit furth of the

[1] Line of march. [2] Reg. Privy Council, I. 519.

court, and vesying and considering the richts and privileges of James' land"—how he "hes ane bawell[1] in the gavel, and hes possession by use and wont of the stane stair—they theirefter entering in court, be the mouth of Harbert Gladstanis, their chancellor,[2] decernit that James have perpetually the half gavel, with all commodities and easements thereof; and that the stane stair sall stand [for his use] in all time

[1] Baulk, or beam.

[2] It has been usually understood that our Premier is descended from ancestors who belonged to this quarter, and there would appear to be some reason for conjecturing that this Dundee burgess had been one of them. We frequently find that Christian names are transmitted in families through long succession, and the rather uncommon one of Herbert, occurring in the sixteenth century and in the present generation, seems to suggest that it may have been carried down hereditarily by members of the same family. I forwarded an extract of the above record to Mr Gladstone, and assured him that it would be a matter of much interest if he could corroborate this surmise. He replied courteously, by his secretary, thanking me for the notice of Harbert Gladstanis acting as chancellor to a jury of his neighbours, which had interested him; but, being apparently unacquainted with the history of his own family during the sixteenth century, he added that the only other instance he knew of the name of Gladstone at that time, in this part of Scotland, was George Gladstone, Archbishop of St. Andrews; and regarding the Christian name of Herbert borne by his son, that it was not what may be called "a family name" in his family. Now, although baptismal names are sometimes adopted from predecessors so remote that the connection may readily be forgotten, it is perhaps unsafe to draw conclusions from such data, and mere coincidence is not worthy of much regard, yet when we find that of the fifteen named members of the different branches of the Gladstone family noticed in the Acts of the Scottish Parliament, two of them are Herbert—neither being the Dundee burgess—we may at least infer that the name was common among them, and may reasonably surmise that it had been transmitted in the same line. Harbert Gladstanis was father of the Archbishop. Dr. Scott, in his collection, says that George Gladstanis was the son of "Herbert Gladstanis, clerk of Dundee," and was educated at the Grammar School there. He was ordained minister of Ecclesgreig or St. Cyrus in 1587, of Arbirlot in 1592, and of St. Andrews in 1597.—Fasti Ecclesiæ, III. 789, 863. In 1600 he was chosen Bishop of Caithness, and in 1606 he was ordained in England Archbishop of St. Andrews—regarding which ordination, James Melvill, with dry humour, says:—"This Mr. George Glaidstaines, efter he had deserted two flocks and two Bishopricks, and sworn he sould never be Bishop of St. Andrews, because his predecessors had so evil success and were so evil hated, yet even he came home Bishop of St. Andrews. And quhen ony gentleman wald ask him how he could so jouk and bear with the ministers that not only wald not acknowledge, but [would] controul him, he wes accustomit to answer, 'Hold your tongue! We sall steal them aff their feet!'"—Diary, 644. Harbert Gladstanis owned a house at the south side of the Howff, near to where Bank Street is now. In 1562, he held the office of Bailie.

coming as it hes done a-before; and that Agnes hes passage also thereupon, but gif she enters at the west" on her own ground, as she rises, "that she then turns nocht in her awn bounds," but upon his; and they ordained that she shall "nather cleyd[1] her stair [entrance,] nor bring farrer east the sole thereof nor the bounds of her half gavel."

Robert Drummond was owner of house and land lying between the Murraygate and the Seagate, and he claimed to have "free ische and entry throw baith the nether yetts," down to the latter street, "and to the well lying contigue at the tail of his land." But Robert Carmannow "stoppit and debarrit him in the peaceable bruiking[2] and joising[3] of the passage at the yetts, and also of the well, and would nocht cease fra farder troubling him in possession thereof." So an appeal was made to the Council, and they having been "convenit upon the ground, the allegations of baith pairties, together with the evidence of diverse famous witnesses, were heard, seen, and considerit be them; and being weill, and at length rypelie advisit, they found that Robert Drummond's predecessors had bruikit peaceably the passage at the nether yett, and that [although] there was ane middle yett, with cheeks, lintle, and sole of tree," there was only "ane lowse hek[4] door thereupon, quhilk servit for the passage to the well; so they decernit him and his heirs to bruik and jois the passage and well in all time coming, because he provit the premises baith be wreit and witness."

1596-7. Mar. 20. "James Bower, skinner, fillit up with red ane passage lying upon the east side of Robert Smyth's house in Sanct Margaret's Close,[5] upon the north side of the Mercat Gait, and thereby stoppit and impedit ane door in the side wall, and be the hichting of the passage made the windows and licht of the gallery patent and open to all persons passing up and down, quhairas they were free of before." Robert complained of this to "the Council; and they having visited the ground, fand that James Bower had done wrang in laying of red within the passage and stopping Robert's door, and therefore ordained him with all possible diligence to carry away the red, to the effect that Robert may enjoy the privilege of his door and the lichts of his gallery but ony impediment;

[1] Cover over.
[2] Possessing.
[3] Enjoying.
[4] Sparred.
[5] The Mint was situated in this passage, and its name at a later time was changed to the Mint Close.

and this to tak execution, be warding of James his person, until he fulfil the ordinance."

1607. July 1. Thomas Lindsay, goldsmith, and Fergus Lyon, litster, had adjoining lands and tenements on the north side of the Murraygate, extending to the watergang of the mills. Thomas claimed to have the right "to ane passage throw all the bounds of the close of" his neighbour's "tenement, northward to ane piece yaird pertening to him," upon which passage "Fergus had been in peaceable possession of ane inner mid yett haldin lockfast for preservation of his geir for threttie years bygane or thereby," and in the absence of Fergus, "he demolishit and took down the yett, and haill stane wark and timber wark thereof, and made the same open and patent"—an outrage which Fergus protested was done "in evil example of uthers to commit the like oppression in ane reformit burgh;" and he demanded that Thomas "be decernit to re-edify the yett." The Council having considered the matter, they found that "as the mid inner yett had stood biggit certain years bygane," Thomas must "re-edify and cause big up the stane and timber wark in as guid estate as they were the time of the demolishing thereof, because he confest that quhen he fand his passage stoppit towards his yaird be the closing of the yett, he at his awn hand, but ony warrant of ane judge, had causit demolish and tak it down." Then, after some months, when he, in exemplary penance had restored the yett to "its auld estate," they met to deliberate upon the question of whether or not it should be there; and they found that it ought not, and ordained "Fergus Lyon to tak down and demolish the mid yett standing in the close upon the passage betwix Thomas Lindsay's ludging and his yaird, within forty-eight hours, under the pain of ane hundred pounds."

1611. July 2. Robert Rendo was proprietor of the eastmost overbuith in St. Thomas' land upon the north side of the Market Gait, and Margaret Robertson possessed "the laich merchant buith" directly below it; the doors and stairs for each being adjoining. "Lately, in the month of May last, Robert erected ane stoup[1] of timber upon ane stane pillar at the west pairt of the passage of the laich buith, and thereupon layit skelffs and buirds of timber for halding and conteining of his groff geir

[1] Post.

of gryit bouk,[1] and thereby obscurit the licht of the laich buith, and stoppit the auld passage thereof, against the laws of burgh and duty of ane gude neighbour." Margaret complained of this, and "desired that the stoup and buirds might be removed, and the lichts and passage made free in time coming;" and the Provost and Council "being convenit upon the ground, and having heard the richts and reasons of baith the pairties, and be occular inspection having seen their buiths, and considerit their privileges, ordained Robert to remove the stoup of timber as far northward as the upmaist step grie[2] of the passage of the laich buith presently is, and to imput it direct with the said upmaist grie, only but ony stane pillar; and that the stoup be distant fra the passage westward the half of the breid of the jam quhilk is betwix the twa buith doors. And siclike, that the eastmaist pairt of the skelffs and the geir that sall be layit thereupon, come na farder eastward nor the half breid of the jam, for obscuring the licht of the passage and door heirefter."

The highway which became known as Fish Street, was at this time inhabited by the leading men in the town, whose houses were upon the north side only, fronting towards the river; there being no erections on the other side excepting at the west of Couttie's or Spalding's Wynd, where a windmill stood upon ground afterwards occupied by buildings, now demolished, at South Union Street. This mill was then employed for grinding malt, but subsequently it was used as a magazine for storing the town's artillery and ammunition. East and west of it was open ground which had been partly reclaimed from the river, and this was coveted by those having houses opposite, as being the foreshore which
1607. July 16. should belong to their properties. Robert Rollok, who possessed the house at the bottom of Spalding's Wynd on the west, appropriated the ground to the front of it, and "edifeit and biggit a timber wall upon the common bounds be-east the windmill;" but he was peremptorily ordered "to demolish and tak it down, and mak the ground waste and red, and restore the same to sic estate as it wes into before the bigging of the wall, and this before Tyisday next; and failing thereof, the officers to pass and demolish the wall."

James Ferguson, who was owner of the house on the east side of

[1] Rough goods of great bulk. [2] Ascent.

the Wynd, afterwards preferred a claim upon this foreshore ground. He was a very disagreeable man, with a special faculty for getting himself into broils, and a ready disposition for troubling his neighbours, of which we find several instances. The proprietor of the tenement next upon the north, who possessed the right to have "twa clay chimneys placit on Mr. James' side wall, and to have dormonds and ribbs[1] imput therein, and to join the thak" of his house thereto, also "broukit and enjoyit ane spout of timber quhilk was placit upon the back of his plaster chimney, and joined Mr. James his side wall for convoying the water fra baith the tenements;" and this "Mr. James demolishit," but was obliged "to repone, because he allegit na reasonable cause in the contrair." Ferguson then "biggit a laich house," with a chimney rising up from it, against the back of the building next him on the east, belonging to Robert Wandless, "which lies upon the north of the common gait that passes fra Spalding's Wynd to the Shore Head;" thereby closing up certain O's, and also an upper window. On being remonstrated with, he, however, gave Robert leave to make other windows higher up, and agreed "na way to big ony new wark during the space of twenty years, providing that his liberty of bigging be nocht restrained thereafter." But he found a way to harm the poor man below as well as above; for, some years later, he "craftily and surreptitiously causit underhouk and undermynd the gavel wall of Robert's tenement, and thereby drew the water through the ground thereof, and nocht only rottit and spilt the wall and brocht it to decay, but also, be the filth and water casten in the sinks, poisoned and spilt ane well standing in the ground of the tenement, and made the samen unprofitable;" for remeid of which, Robert supplicated the Council "to compel him to close up the sinks, and keep the well fra all danger that may ensue, and punish him in his person and his guids for the contempt and oppression." So they visited the ground, and found "that Mr. James had done wrang" in underhowking his neighbour's gable, and they ordered him "to fill up the sinks with solid wark, and keep and preserve the well fra all damage and skayth," and cease from "casting water or filth within the bounds thereof, under the pain of ten pounds." Those to whom he had made himself obnoxious did not, however,

1618. Ap. 13.

1605. Aug. 20.

[1] Joists and couples.

always seek for lawful redress. "James Ryill, accompanyit and assistit be a maltman, came under silence of nicht to the house of Mr. James Ferguson, quhair he was sitting in his studie in peaceable manner, and boisted and menaced him, and struck him twa syndrie straiks upon the face." For this, Ryill was found to have "incurrit the pains contenit in the acts made anent troublance and giving of a cuff, and was ordained to be put in ward and detenit therein ay and quhill he satisfied the pairtie; and this in respect of Mr. James' ayth given affirmative in *pena contumacie* of Ryill," who was "personally warnit to have given his ayth thereupon, and compeirit nocht." A few days after this, Mr. George Anderson also boistit Mr. James, "saying thir words, 'Quhat were it to dry ane gutter with thee?' thereafter putting hand in the said Mr. James, and drawing him be the lug of purpose to have done him farder injury;" and Mr. George was likewise put in ward until he made satisfaction.

1609. MAY 23. Regarding his claim to the foreshore ground, Ferguson "declarit that forsameikle as be the auld acts of the burgh, it was expressly statute that the proprietors of the tenements lying next adjacent to the shore, suld have the headrooms foranent them set in feu-ferm to them upon certain special conditions; and as for his pairt, he was willing to observe the same, he therefore desirit his headroom foranent his tenement micht be set to him be the Council; protesting that gif it be set to any other person, and specially to Robert Rollok, that the same be null." Notwithstanding this protest, Rollok obtained possession of the ground, although we find that Ferguson still schemed to acquire a right over it, for he carried the drainage which he had been pro-

1621. SEPT. 25. hibited from sending into his neighbour's well, across the coveted foreshore toward the river, "by drawing ane conduit through the bounds of the headroom lying foranent his tenement upon the other side of the way, which pertenes to Mr. Robert Rollok, minister at Murroes, and this without any licence or tolerance grantit be Mr. Robert for that effect, as if intending thereby to keep the servitude thereof for conveying away the water fra his ground. But Mr. Robert protestit solemnly, that the drawing of the conduit and the passage of the water suld na way be prejudicial to his right to the headroom, naither yet suld be any impediment to him in building thereupon at

any time coming." Robert Rollok was ordained minister of Murroes in 1618, and was deposed in 1639 for the maintenance of universalist doctrines, and for non-residence.[1] He had probably built the house with the quaint porch and balcony which, until the present century, stood upon this foreshore ground, and preferred the amenities of Fish Street to those on the breezy uplands of his own parish. These graces changed long ago into quite other characteristics, and his ground became the site of the house which, in grim satire, was called "The Holy Land."

1607. JULY 16. William Ferguson, had a house farther west, and he also "biggit a timber wall upon the waste bounds be-west the windmill, foranent the headroom of his tenement;" but as he was a man of mark and influence within the burgh—being a physician, and having once been a Bailie—he was treated with consideration, "and, at the earnest desire of the Council, actit himself to remove the timber wall within ten or twelve days, and restore the ground to the auld estate;" always, however, "without prejudice to the richt of Sir James Scrymgeour," the Provost, his superior, who also claimed the ground, and to his own "over the waste bounds, gif they ony have, quhairunto," it was declared, that "this sall make na derogation; and the Council faithfully oblissed them na way to dispone ony richt quhilk they had to the property of the waste bounds to ony uther person nor Mr. William, naither yet to big nor cause big ony houses or ony uther building thereupon."

Doctor David Kinloch, whose "foreland lay foranent the windmill," also made an attempt to "hirsel yont." He had already made an encroachment upon another man's right, by striking furth a window in a mutual gable without obtaining his leave, but was obliged to become bound "to condemn and to close up the licht at sic time as it should please" his neighbour to raise his house higher. He now boldly took possession of a part of the roadway in front, by causing three masons, "under silence of nicht, to big ane pillar [or wall] of stone wark upon the common street and bounds thereof, betwix his tenement and the windmill." The masons having been "accusit, they confest to the Council that at the time foresaid, before the sun rising, at the command of Griseld Hay, the spouse of Doctor David, they finished the wark and and layit ane course of hewn stones upon the head thereof. In respect

1610. JULY 17.

[1] Fasti Ecclesiæ, III. 728.

of quhilk confession, they were decerned to have incurrit the pains contenit in the acts made anent masons quha work ony mason wark in the nicht season, and ilk ane of them was ordained to pay five pounds unlaw, and be punished in his person at the sicht of the Bailies; and siclike, they were decerned"—whether before or after the whipping is not made explicit—"to demolish and tak down the said pillar to the ground, and restore the common gait and passage to the auld estate."

It was no doubt very wrong to make these poor men suffer all the punishment, and permit their employer to escape; but Dr. David Kinloch was a person both important and distinguished, and in consequence he would not be subjected to any indignity. His family had for some time occupied the position of substantial burgesses. William, his father, was employed by the Council on an important mission regarding the capture of an English ship in 1563, and he held possession in 1581 of "the land lying on the north side of the windmill," as also of "the meadow lying on the north side of the burial place," which had been part of the Gray Friars' lands, and continued to be called Kinloch's meadow long after it was acquired by the town.[1] Dr. Kinloch appears to have been a physician of eminence not only in this country but also abroad, he having attended professionally upon King James, and likewise upon the royal family of France, and received from them marks of distinction. A curious portrait of him, wearing his foreign decorations, formerly hung in old Dudhope House, and it is yet carefully preserved among family heirlooms.[2] He was a scholar and a poet. Dr. Small says—"Some Latin poems of Dr. Kinloch, physician to James VI., Mr. Gleg, rector of the Grammar School, and Mr. Goldman, merchant, are to be found in the collection of the 'Poetæ Scotigenæ,' which, for taste as poems, and elegance as Latin compositions, are inferior to no modern productions."[3] His monument in the Howff records that he died in 1617, and relates that he was "a most honourable man of famous learning, and in his life adorned with many singular virtues; a most skilful physician to the Kings of Great Britain and France, by whose

[1] In "Douglas' Baronage," the immediate predecessor of the Doctor is called David also, and is said to have died in the end of the reign of Queen Mary. This had probably been the Doctor's grandfather.

[2] This interesting portrait is in the possession of the Rev. R. R. Lingard Guthrie.

[3] Account of Dundee.

patents and seals the antiquity of his pedigree and extract is clearly witnessed and proven." Dr. Kinloch acquired the estate of Aberbrothie, in Strathmore, and to this his descendants added other lands which have given them considerable territorial distinction, although they have always maintained their connection with Dundee. In the beginning of this century, George did much to help the interests of the town, by promoting a scheme for the construction of its harbour; and he made great sacrifices in aiding a local movement on behalf of Parliamentary reform. For this he was rewarded by the electors sending him as their first representative to the new House; but, to the general regret, he lived for only a few months afterwards. In recognition of his services, and to perpetuate his memory, a bronze statue of him was some years ago erected in Albert Square; and we find that by a singular and appropriate coincidence, this has been placed upon ground which belonged to his ancestors, and was formerly called Kinloch's meadow.

ST. FRANCIS' WELL.

When the growth of a town spreads dusty streets over what were grassy slopes and wooded haughs, the encroachment upon nature seems nowhere to be such desecration as in the spoiling of springs and water courses—

"The pavéd fountains and the rushy brooks,"

which had hitherto been flowing in perennial freshness. A clear well is so precious, that the attribution of sovereign virtues to its new sprung waters hardly appears to be poetic fiction, and we do not wonder that in early days these were sometimes held in veneration, and became associated with honoured names, for we even yet almost feel that it is impious to pollute pure streams, or dry up their bountiful sources. Some of the springs which were notable in the old burgh have now disappeared. These were St. Clement's well, rising out of a knoll overhanging the river bank, Our Lady well, flowing from under the

Chapelshade Braes, and St. Francis' well, springing not far from it, amid the sunny slopes of the Gray Friars' meadows—all at one time famous and honoured fountains, but which have now become spoiled and worthless, and are turned with indignity into the common drains. The most important of them was the Gray Friars' well, which came out of the rising ground westward from where the High School is built, and had been dedicated to the honour of St. Francis, the founder of the order—a man of exalted character, whom Dean Milman calls "most blameless and gentle." The water, which ran perennially and was of singular purity, had no doubt been highly venerated in the days of the old Church, and it continued to be much esteemed, and even to maintain somewhat of its traditional sanctity, long after the memory of the good man whose name it bore had become forgotten.

1562-3. Mar. 16. When the Friars' house was in ruins, and the gardens laid waste, St. Francis' well did not escape unharmed. One austere iconoclast —James Patrie was his name—had probably been offended at its sculptural reminiscences of the old faith, and he cast it down. When arraigned to answer for this, "he confest and grantit that he took down the common well callit the Friar well, quhilk servit the haill town with guid and wholesome water, and referrit him in the Bailies' and Council's will thereanent; and they being advisit with his offence, declarit that he sall pay for the reparation of the said well and common warks the soum of ten pounds; always, gif he big and repair the well as weill as it wes of before with lime mortar, or Pasch next, this pain to be remitted; otherwise, the day past and the well nocht biggit, to pay the said soum but favour." James, however, proved contumacious; the day did pass, and the well still lay in ruins. But he got further time, for the Council not yet having possession of the monastic lands, had not chosen to act arbitrarily, and "James Patrie was ordained to repair the Friar well conform to the last act, under the pain contenit thereintil, betwix the date hereof and Whitsunday;" and he probably then proceeded to restore it into good condition, as we do not find any other ordinance on the matter. He had not, however, erected it very substantially; for, before thirty years had elapsed, the structure was again ruinous, and the Council resolved "that St. Francis' well be of new biggit and made close, so that na common access be had thereto."

1591. Oct. 12.

The meadow land of the Gray Friars which lay around the well, formed a pleasant open space for the use of the old burgh, and it was always held in much regard. Early in last century, the water from the Lady well was impounded and conveyed in pipes for supplying other cisterns throughout the town; but St. Francis' spring, which was softer and purer, was left undisturbed to flow down the grassy slope in its natural course; and when the place became appropriated for homely purposes, and upon

"Its verdant braes
The lasses used to wash and spread their claes,"

the gossiping naiads made the meadow very lively as they plashed in the brimming basins of the Friars' old well, or filled their pitchers at the fresh fountain, or sprinkled the water in crystal showers over their snowy linen. About the time that the ground was sacrificed for the erection of buildings, a dyer in the neighbourhood sank a well which evidently reached the source of the spring and drained it off. Years afterwards, when the place had been overbuilt, he ceased to use his well, and the stream, returning to its old course, found access into the lower part of a church which now covers the site of the fountain, much to the dismay of the deacons. The water was then carried off elsewhere, and will be seen no more; and the remembrance of those virtues which belonged to the once famous well will soon have passed away.

THE BURN AND THE TOWN MILLS.

The slopes of Balgay hill and the Law, which, with the Dudhope and Chapelshade braes, form the background of the town, do not descend to the water side, but to a little intervening valley, within which, outside of the walls, a stream once flowed eastward amid verdant meadows, and under the shadow of great trees. On the south of this valley, between it and the declivity toward the river, there was a serrated

ridge, formed by a succession of small eminences, which, ere they were rounded off and built over, must have given to the scene a pleasing and diversified aspect. These were Blackness, the Hawk hill, the Gowden knowes, the Witch knowe, the Corbie hill, (afterwards called the Windmill brae,) the ridge over which New Inn Entry passes, and the Castle rock. The stream, which was variously denominated the Scouring burn, the Mause burn, and the Castle burn, had its sources in the front of Balgay and in Logie den, and at the level hauchs and the Playfield it caught other springs from Dudhope, and flowed pleasantly through Monorgan's croft, by the side of the famous old elm tree walk into the open meadows beyond, where it was joined by the water from St. Francis' well, and Our Lady well, and, thus augmented, reached the outlet at Burnhead, and ran bright and sparkling down the slopes of the Castle rock into the river below. All this is now changed; the little valley is hardly recognisable, its green spots have been blotted out, and the burn, no longer fresh or sightly, is carried away decently underground.

In the old burgh, the water privileges were highly valued, and some endeavour was made to preserve the purity of this stream. As we have seen, "all middens" were ordered to "be taken and haldin away fra the Scouring burn," and "na filth was allowed to be toomed in the Castle burn, but only in the sea;" and when the glovers placed limepits upon its course for scouring their skins, it was found that these "poison and intoxicate the water" which serves "the maist pairt of the inhabitants to their brewing and washing," and they were ordered to be removed, as being "very hurtful to the common weill." But the principal purpose which the burn served was in driving the wheels of the grain mills, which were situated at the river side on the east of the Castle rock. The dam was up in the meadow on the course of the stream, about the place where the Museum is now—the water being there augmented by a supply brought from the Dens burn in a lade designated the Tod's burn, which was cut along the face of the rising ground above the Cowgate. The mills belonged to the common good, and were maintained on behalf of the common interest—all the burgesses being thirled to carry their grain to be ground at them. When
1563. June 18. the dam needed to be cleaned out, a general levy was made for doing

it. The officers were ordered "to pass and warn all the inhabitants[1] of the first quarter that they, and ilk ane of them, furnish ane servant, with skeel[2] or barrow, and schule or spade, to enter upon Mononday in the morning, at six hours, for cleansing of the mill dam; and theirefter daily to warn the remanent quarters, ilk ane for ane day, unto the completing and redding of the dam, under the pain of eight shillings to be upliftit of the disobedient but favour; and this because the same concerns the common weill, and the town is in use of doing it."

1588. MAY 4. Bailie James Auchenleck having become tenant of the mills, he was instructed to have the lades "sufficiently repairit in all gudelie haste," and the expense would "be allowit, with the profits thereof, in the mails." He was also empowered "to disburse to the reparation of the windmill, and remanent water mills, the first year's mail thereof, extending to 550 merks; providing always, that in case he or his subtenants be debarrit be pest, war, or uther violence, fra the peaceable joising of the mills, that he sall be reimbursit of the pennymail advancit be him, according to the skayth that he sall sustene." When William Newton's tenement "suffered be the insufficiency of the dam, it was ordained to be properly repairit at the town's expense;" and an agreement was made with David Shepherd, maltman, who became tenant of the malt mill, binding him, "with all possible diligence, freely upon his awn chairges, to repair the mill dam in all respects, and mak the same ticht in all pairts, and to furnish all materials necessar thereto, and to keep and warrant the dam ticht and sufficient for holding of the haill water that sall fall therein be the space of ten years; and in case it be insufficient, and skell water, to refund all skayth that the town and farmers[3] of the mills sall sustene thereby; for quhilk causes," the treasurer was instructed "to discharge him four score merks of the mails of the mill." But David having shortly afterwards entered "into the occupation of the haill water and wind mills, at the mail of 550 merks," and having undertaken, "upon his awn expenses, to uphald the dam ticht and sufficient," the Council resolved that when he paid to the treasurer the sum of twenty pounds, he should receive "a discharge of the bond made be him anent the uphalding of the dam."

1591. JULY 13.

Advantage was taken of a fall upon the course of the burn to have

[1] Meaning heads of houses. [2] Washing tub. [3] Tenants.

another mill erected farther west. The dam for this was beside where Brown Street is now, and the lade, which served as a ditch to the town wall, was carried round by the base of the Corbie hill in the line of Ward Road, near the east end of which the mill had been situated. It also was for grinding malt, there being then so considerable a consumption of ale, that great part of the wind and water power within the burgh was required for that purpose. The western dam would appear to have been difficult to keep in order. "The farmer of the malt mill debursit one hundred and two pounds upon the reparation of the dam and clouses[1] at the West Port," and this he was "authorised to retene from the mails." The lade also broke down, and the water flooded the low ground; and the treasurer was instructed "to repair sufficiently with stane and clay the mill conduit passing fra the dam at the Playfield, especially at the intak thereof upon the south-west side of Alexander Wedderburn's hauchs and crofts, and hald and keep the same close so that the water brak not upon the hauchs in any time coming." The "proprietors of the tenements on the north side of Argylesgait having their headrooms lying to the mill lade," were required to keep it clear—"they, and every ane of them being ordained to cause red and cast of sufficient deepness the said lade and watergang foranent their ground, and keep it in gude estate in time coming."

1604. Jan. 10.

By the terms of their lease, "the farmers became bound and oblist to mend, beit, repair, and uphald the mills in all the lying graith thereof, and in all the ways, brigs, and passages" during the time of its currency; in return for which the treasurer was instructed to allow them one hundred merks yearly.

PITKERRO, BALDOVAN, AND FINTREY MILLS.

The water power within the town not being sufficient for grinding all the corn, the Council, early in the sixteenth century, acquired Pitkerro mill, situated about four miles to the eastward upon the Fithie

[1] Sluices.

—a clear stream which rises in the front of the Sidlaws, and is an affluent of the Dighty. The management of this mill caused them much trouble. Thomas Ogilvy, the earliest tenant of whom there is record, first annoyed them by altering the course of the burn without authority, and was ordered "to lay in the watergang fra the lade of Strikintyne mill, and cause the same to run conform to auld use and wont." Then he did not pay his rent when it was due, and thereafter behaved himself very undutifully by playing a sorry trick upon the treasurer, who "notifeit that he had causit ward Thomas Ogilvy in the tolbuith for non-payment of the soum of twenty-five merks, as for his Whitsunday term's mail of Pitkerro mill, but that Thomas wes departit furth of ward, be quhat means he knaws nocht. Quhairfore he protestit sen he had done his diligence anent the said soum, and the non-payment thereof stood nocht be him, that he suld nocht be chairgit therewith in his compts;" which would seem to be only reasonable. The next tenant "debursit thirty pounds twelve shillings two pennies upon the grayth of the mill, conform to his compts seen and considerit;" but the Council evaded liability for this, and ordered that it "be payit by the baxters of the burgh;" which seems to have been done without demur—at least no grumbling is recorded. 1562. MAY 22.

A lease of the mill was afterwards granted to James Durham, who owned the adjoining mansion and lands of Pitkerro, which John Ochterlony, writing a century later, calls "a good house belonging to Durham, extraordinarily well planted, good yards and orchards, a very pleasant place;"[1] a description which is yet applicable to the old residence and the stately woods which cover the undulating slopes around it. James, who claimed to be "ane sober and poor gentleman," had suffered much from the oppression of his neighbour, Henry Lovell of Ballumby—"a cruel man" and a lawless, who for long rampaged like a border reaver around this corner of Angus-shire; and he complained to the Queen that "at diverse times, Lovell, with his servants, in warlike manner had come to the town and house of Pitkerro, quhair he dwells, and searchit him for his slauchter, but ony manner of occasion either in word or deed; and that last of all, upon the 23rd of April, 1566, he came accompaneit with lang culverins and uther wappins invasive to the

[1] Spottiswoode Mis., I. 328.

nowmer of six persons—having uther twelve laid at await be gait sides and on knowes about—and searchit his dwelling-house to have slain him, and threatenit and boistit his wyiff with cruel words." But he "being absent at the pleasure of God, Henry could not come to his purpose against his awn body," so he "enterit the barn, and there the barnman being threshing and lawbouring sark-alane, he cruelly invadit him, and straik him throw the head with ane whinger, quha now lies in point of deid, and as appears will nocht leive; and also then straik ane uther of the servants with bauch straiks, and brak ane great staff upon him, quhairthrow he yet lies and dow nocht rise out of his bed." And "forder, Henry hes sinsyne allowit the deed openly in the tolbuith of the burgh of Dundee," and James, as he pitifully declared, "is flemit fra his awn house, and dare nocht resort thereto neither by day nor nicht, and stands continually under fear and danger of his life;" for which "manifest oppression—so odious and dangerous in ane in-countrie, quhilk suld be preservit in peace"—he craved "timeous and sharp remeid."[1] But this was not easily obtained, for Lovell held himself almost beyond the reach of law, and continued to be a terror to the neighbourhood. Even his son John, who had "oft and diverse times lamentit to the Secret Council, the unnatural wrangs and injuries that he hes patiently sustenit of Henry Lovell of Ballumby, his father, in burning of his corns," had again, in 1567, to complain that the tyrant "hes hurt and chaseit away his servants, cassin out his puir tenants out of his houses, intromettit with his haill nolt and sheep, and halds the same purposely eating and destroying his corns, so that never profit sall come thereof; and that gif he [John] sall mak convocation and shear and win his corns, he is certain that they sall be brint as they were the last year, without remeid be providit." The Privy Council ordered Henry to make answer to this charge; "but he shewed wilful contempt, for being present in Edinburgh, he departed before his calling."[2]

When Regent Murray was in Dundee in July 1569, almost the whole of the judicial business which came before him, excepting the disposal of "ane company of witches" whom he "causit burn," was concerning Henry Lovell. In the first place, there was a question regarding

[1] Reg. Privy Council, I. 460. [2] Ibid. I. 555.

"his right to the fishings of the sea and water of Tay, lying foranent his lands of Monyfuthie,[1] Instingleyis, and Eglismonethe,"[2] whereof the Master of Gray claimed to have a lease, which he refused to recognise; and the Regent not then having succeeded in settling the contention, he continued to hold them for some time in forcible possession, until one day "the Lord and Master of Gray and their household men coming furth of the place of Bruchtie,[3] and, naming them the Prince of Condé and Duke of Savoy's servants—in mere mockage and contempt of our Soverane Lord"—by violence prevented his son "from brouking and joising the fishings," and "cruelly dang and straik him to the greit effusion of his bluid, quhairof he" lay for some time "bedfast, in danger of his life."[4] Then there was a complaint "be Maister Gilbert Gordin, minister of Monifieth, that Henry Lovell, with thirty complices or thereby, had masterfully, violently, and perforce ejectit the tenants fra the manse and glebe, cast down the houses thereof, and cuttit and destroyit the green trees growing thereupon, and hes sensyne lauborit and manurit the same, and withhalds the profits fra Maister Gilbert sen the year '65." The Regent referred this matter to the Laird of Dun, "to hear baith the pairties, and gif it were possible to gree them;" but Dun "having earnestly travellit for concord, and not finding Henry conformable, reportit the same" to Murray, who, being apparently chary of giving offence to Lovell, "decernit him of his awn gude will to desist fra farder occupation of the manse and glebe, and suffer the same to be peaceably occupyit be the minister."[5] Next, James Lovell, Commissioner in Parliament for Dundee, and William Forester, a burgess, desired to be protected from Ballumby; and thereupon his son—with whom he was now at peace, and whose corn he had ceased to burn—became bound before the Regent "that his father sall not molest, trouble, nor pursue them in bodies or guids under the pain of twa thousand merks."[6] The truce between the father and son was not, however, of long duration; for in 1572 Henry

[1] Monifieth.

[2] Otherwise Eaglis-monichty or Ecclesia-monichty, now Barnhill.

[3] Broughty Castle was then in the possession of Lord Gray.

[4] Reg. Privy Council, II. 188.

[5] Gilbert Gordin, or Gardin, was minister of Monifieth from 1565 to 1569.—Fasti Ecclesiæ, III. 723.

[6] Reg. Privy Council, I. 685.

Lovell had to find caution "that he sall restore to Thomas Schippert the four oxen stolen from him," and also "that he sall not molest his own son John;" who at the same time became bound "that he sall not molest his father."[1]

The last exploit recorded of Lovell—he was now called "Auld Ballumby"—was achieved in 1575, probably in assertion of his disputed claims, upon some fisher folk, "puir tenants of West Ferry be-east Dundee;" who complained to the Lords of Council that he had gone there, "accompanyit with certain wicked persons, and sitten down in the house of Helen Bukham, and be way of deed schot her out of the samyn, and cassin down the houses" of four other persons, "and tane and brint ane boat pertening to Thomas Leyis, and put Robert Selkirk fra his coble fishing, and cuttit his nets; and last," that he had gone "to the dwelling-house of Henry Knycht, and brak his brewing lums, and shortly theirefter, unbeset him at aucht hours in the nicht coming fra Dundee, and invadit him with ane drawn swerd;"[2] all which Ballumby stoutly denied, and the charge was adjourned for further proof; but he had probably wearied out the fishers, for nothing more transpires regarding the outrage.

1588. Oct. 5. After "James Durham, portioner of Pitkerro," had been for some time tenant, "an assurance was offered to the Council that twa mills being repairit, and the watergangs made sufficient, as the town may of themselves, the present duty would be augmentit;" and thereupon they concluded that another mill "sall be repairit and biggit sufficiently upon the town's expense, with all diligence; and that the mill house be devysit to serve for twa mills." James Durham "disponed of ane portion of his lands quhairupon to build the new mill with the passages thereof." He afterwards became bound "to win and carry to the toft of Pitkerro, quhair the mill stands, sic number of stanes of all sorts as may serve for the bigging of ane house to serve for twa mills and the wa plates, in sic form and quantity as the township pleases devise, and likewise furnish freely sic quantity of clay as may serve for the wark; for quhilk causes" the Council agreed to pay him one hundred pounds. They "concludit that James Auchenleck," who had been tenant of the burgh mills, "should be special overseer and attender upon the bigging

[1] Reg. Privy Council, II. 157. [2] Ibid. II. 429.

of the new mill, and devising of the passages thereto, with the lades and conduits of the water; and in case he may not wait unto the completing of the wark, but depairt furth of the country, they nominated Bailie Duncan to succeed him." After the building had made some progress, they granted Durham "a tack of baith the mills for nineteen years," at an advanced rent of 500 merks; and when the work was finished, "finding the township to be awand him the soum of eighty-five merks contenit in the contract touching the new mills, and not having presently the moyan[1] to satisfy the debt, they ordanit the same, with the profit of fifteen merks, to be allowed in the first end" of his rent. Subsequently, he became bound "to uphald the twa mills, with all the lying graith thereof, freely upon his awn expenses," and also presently to "cause imput upon the ruiff sufficient rigging stanes, and at the isch of the tack to leave the mills sufficient mills, baith in their lying and ganging geir, to the behoof of the Council;" in respect of which they discharged twenty pounds yearly of his rent.

Before the end of the lease, some disputes occurred with Durham, who, having got a post at court, was now designated "his Majestie's domestic servitor." This position affording him means of access to the royal ear, he had represented "that he sustenit great skayth in the destroying of his policie and parks, cutting of his trees, and breking of his enclosures within the precincts of his dwelling place of Pitkerro, by the nearness of the King's highway;" and he obtained, in 1602, "his Majestie's licence to alter and deturne a little the said way to the mair commodious travelling of the lieges, and to the preservation of his policie."[2] This diversion of the road was immediately effected; and as it had no doubt been made more in his own interest than that of the lieges, the Council, "upon information that he had alterit the common King's gait that passes by his yaird toward the wheat mill and also to Brechin, appointit ane certain number to visit the same," and if they found the alteration to be "hurtful to the common weill, and incommodious," to cause "the passage to be reponit to the auld estate." They did find that it was hurtful, and appear to have questioned the right which he had founded upon the King's grant; but he refused to restore the road, and a dispute arose which was not settled until 1607,

1602. Oct. 2.

[1] Means. [2] Act. Par., IV. 388.

when Parliament "approved the change of the highway, and ordained all the lieges to haunt, use, and repair that way as the ordinar King's way in all time coming." Alexander Wedderburn, Commissioner for Dundee, however, "protestit that the change of the high gait prejudge not the burgh anent their gaits and passage to the mills, quhairunto
1607. Ap. 16. they were in use to pass."[1] At the end of his lease, Durham made a claim for relief of rent for the years 1606 and 1607, when there was a grievous infliction of plague, and also for compensation on account of new roads; and the Council "promittit to convene with him and visit the contract made betwix them, and gif they be oblist be the contract to defalcat any pairt of the mails for his losses during the time of the plague, that they will do that quhilk it provides without process of law." But the visitation did not enable them to settle the question, neither did a conference which took place shortly after, "to reason with James anent the difference standing betwix the town and him;" and the matters in dispute were referred to arbiters, who decreed that the Council remit the two years' rent, "owing to his losses by the pest," and accept of the new passage to the mills, and pay him 560 merks "for the bounds of the auld gait, and also 100 merks for costs."

1609. June 6. But there were yet other "controversies standing betwix the Council and Durham, and specially anent sic richt as ather of them had to the water rinning fra the well callit the Cairn well of Pitkerro, and anent how the said water suld rin in time coming." These were, however, referred to the arbitration of Sir William Graham of Claverhouse and others, "whose sentence and decreet arbitral" the parties "were bound and compromittit to abide by;" and before long the course for the water of the well was settled, and some of the Council met with Durham at Pitkerro, "to meith and merch the town's croft," when all the questions in dispute were adjusted. At the termination of his lease, the mills were let to certain bakers, at a yearly rent of 1700 merks.

The Council afterwards endeavoured to purchase a mill upon the Dighty, at Baldovan, a place which lies nearer to the town. It belonged to Sir James Scrymgeour of Dudhope, who, as we shall see, was at variance with the burgh when he was Provost, and with whom it was unlikely that they could have made a satisfactory bargain; but about

[1] Act. Par., IV. 389.

the time of his death, and before his son had come into possession, they appointed some of their number "to meet with John Scrymgeour, apperand of Dudhope, and his friends, and deal and confer anent the buying of his mill of Baldovan, and report the fruits of their travels at next meeting." The result of the negotiations was the purchase of the mill, which, during the following summer, was let to the tenant of Pitkerro. After obtaining possession, they resolved to erect a new house, and made a contract with "Andro Wast, mason, that he sall with all possible diligence big ane sufficient mill house of stone wark at Baldovan, of the length of fifty-twa futts within the gavels, and of the breid of twenty-twa futts within the side walls—whilks sall be nine futts heich above the earth, and the gavels of heicht proportional. All the walls to be of thickness twa futts and ane half futt, gif they be biggit with lime, and gif they be biggit with clay, three futts. Siclyke, Andro sall big within the south side wall, in the maist commodious place, ane grite door of hewn stone of the wideness of twelve futts, and of the heicht of the side wall, having the town's arms weill hewn above the same, with uther twa doors in sic places as the master of wark pleases design, ilk thereof of the wideness of four futts. Siclyke, he sall make four grite plane bowells[1] in the house and most commodious place thereof, for changing of the stool[2] of the mill. Siclyke, he sall pend[3] sufficiently the twa side walls beside the west gavel, for receiving of the water within the house, according to the form of Balmossy mill; and sall cause hew twelve long merch stones, with the town's arms upon ane side of ilk ane thereof.[4] Providing that the town furnished lime, stones, clay, and all uther materials necessar, and laid them beside the wark upon their awn expenses," Andro agreed to build the whole for "six score pounds—the third thereof in hand, ane uther third at the mid wark, and the last third at the end thereof." 1612. JAN. 28.

The widow of Sir James Scrymgeour had assisted the Council into possession of the mill, and for this she received a propyne. "Andro 1616. FEB. 20.

[1] Foundations. [2] Seat. [3] Arch.

[4] The tenant of this mill—which is now used for improving yarn—lately dug up one of these stones out of a field, and was much puzzled at finding the burgh badge upon it. This is the pot and lilies supported by the two griffins, "their tails rowed together," which shows that the remodelled arms had been already borne by the town, although it was not until a later time that licence was obtained for carrying them.

Shepherd, baxter, grantit him to have received in name of ane honourable lady, Margaret Seaton, Lady Dudhope, fra the Council and communitie of the burgh, four hundred merks promittit and given to her ladyship as a remembrance for her consent given to the alienation of the mill of Baldovan."

Other mills were subsequently acquired, farther down the valley, upon the estate of Fintrey—now called Linlathen; and the whole of them having then been leased in one tenancy, they were surveyed, and it was found "after trial of the present estate of the three mills upon the water of Dighty, lately disponed be David Graham of Fintrey to the Council, that twa—ane called Scott's mill, and ane called Hobbart's mill—are likely to ruin and decay without some speedy remeid be providit." So the Council "faithfully promittit to big and repair ane sufficient house upon ilk ane of them, like to the uther called Whittet's mill; and siclike, to cause repair the bigging of the twa Castle mills within the burgh in the walls and ruiffs thereof; and farder, to cause big and edifie ane sufficient house, in the most commodious place that can be devised next the east mill of Baldovan, for the dwelling of the miller; togidder with twa sufficient kilns for drying of the corn beside the mill."

1624. June 8.

1589. Aug. 12.

The Council had found that the burgh received much hurt by "the evil disposition of syndrie neighbours, thirlit[1] to the mills, quha, for their awn private commoditie, abstract the multure[2] therefra, and carry furth a grite quantity of malt to be grund at uther mills, without ony commoditie of profit to the common weill—colouring their fraud with the pretext of ane licht and frivol offer" of their malt to the town's mills, although "it is provided that not only sall ane naked offer be made, but likewise that the malt sall be presentit to the mills, and lie there at least twenty-four hours—so they concludit, now that there is occasion of better service being offerit be the bigging of ane new mill upon the water of Pitkerro, to the proper use and behoof of the burgh, that it stand as ane perpetual and inviolable law for the profit of the common weill," that if the burgh mills should be unable to grind the malt within the space of twenty-four hours, "then the awners sall of new mak offer [of it] to the tenants of Pitkerro mills, who sall have a servant at

[1] Thralled: bound.

[2] The quantity of grain which the miller should receive for his fee.

David Clerkson's house in perpetual residence to receive it; and only if he be not ready at the place designat, sall it then be lesum to the awners to carry the malt efter six hours to quhatsoever mill they please best."

1591. Nov. 4. This law was, however, violated; and there continued to be "grite defraud usit be the inhabitants thirlit to the common wheat mills, abstracting of the thirle multures;" and it was ordained "that it sall be lesum to the servants of the mills, apprehending at the ports ony wheat passing furth of the burgh to be ground, or ony flour [coming] in quhilk hes been ground at uther mills, to tak the dry multures of the wheat and flour immediately, in presence of twa indifferent neighbours maist ewest,[1] and apply the same to the behoof of the farmers of the mills, without ony danger." And "in case the carriers of the wheat or flour [should] allege that there had been due offer made to the possessors of the mills, then the servants sall arrest it until it be tryit quhidder the offer was made or not, quhilk trial sall be tane be ane Bailie—as weill without judgment as in judgment"—that is, off hand—without the accessories of a court, as well as with all forms. Afterwards, penalties were also exacted. "All those quha sall be lawfully requirit be the taksmen of the mills to bring their malt, wheat, and uther corns thereto, and, notwithstanding, maliciously abstracts them, sall pay twenty pounds money, by and attour the dry multures and knaveship[2] duties, according to use and wont."

1615. Mar. 15. It having been considered that it would be advantageous for securing the multures, "that the common mills—as weill lying within the burgh as without"—should be in one tenancy, all of them—"as weill of auld as new—with the multures of corn and victual pertening to the inhabitants and thirlit thereto," were ordered "to be roupit for maist yearly duty; and that na ignorance be pretendit," the treasurer was instructed "to cause mak public intimation thereof at the Mercat Croce, and throw the haill streets, be the hand-bell and be the drum." And thereafter the water and wind mills, the mills of Baldovan, and of Pitkerro were let at a rent of 3100 merks. When the mills of Fintrey were also acquired, the whole were then leased without increase of rent to four joint tenants, who became bound "to sustean and entertean the

[1] Nearest at hand. [2] The meal to which the miller's knave or servant was entitled.

same, and to possess the Council therewith efter the expiring of their tak, in as good estate as they sall happen to receive them." At a later time, the annual value of the mills advanced very considerably.

WARDING THE TOWN. WEARING ARMS. BLUID WITE.

1563. Ap. 13. All able inhabitants were required to take part in the duty of watching and warding the town, to secure it as well from internal disturbance as from external surprise; and "ilk person that beis warnit to the watch, and disobeys and compeirs nocht, and watches nocht all nicht," incurred the pain of poinding "for twa shillings unlaw, to be disponit to the persons keeping the watch." When soldiers were employed to assist in the service, it was concluded "that there be nichtly five hagbutters watching in ilk of the four quarters, to be providit and producit be the quartermasters," who had instructions to allow "the feitmen to have twenty pennies for their fee, and to set the same on all persons according to their substance." This did not, however, relieve burgesses from taking their turn at the duty, for it was ordained "that every man watch himself, or else [provide] ane sufficient hagbutter for him; and gif he failze," he shall be "poindit for the price of ane pund of pulder."

1568. Oct. 8. At this time the town had no complete wall of defence around it, and no other protection than the ports on the streets and the enclosures of houses; but a fortified position was constructed on ground belonging to Robert Myln, upon the Corbie hill—an eminence now all quarried away, which lay on the north of the Overgate, and commanded the western accesses. When Montrose made his assault in 1645, this place was well armed, but at first it probably contained only a few guns of small size. "John Will was ordained to keep and watch the new fort at Robert Myln's hill ay and quhill he be dischairgit, and to have for every twenty-four hours' lawbours two shillings."

1566-7. Jan. 21. It was the duty of all citizens to assemble in arms when there was need. "For obedience of our Soverane Lord and Lady, and fortifica-

tion of their Highnesses' officers of this burgh—the Provost, Bailies, and Council thereof—all freemen and unfreemen sall be in readiness boddin[1] in substantious manner with all wappins necessar, at all times quhen it sall happen the common bell to ring, or utherwise quhen our Soveranes, or their officers of this burgh, hes ado; and quhat freeman sall happen nocht to assist the magistrates, but to dally as neutral, he sall tyne his freedom; and the unfreeman nocht assisting sall be banished for ever. And gif it happen ony freeman to assist or bear wappins in the contrair our Soveranes' officers and magistrates, he sall be banished for ever, by[2] the tinsall of his freedom. And the quartermasters sall tak order anent the convention of the haill inhabitants quhen the town hes ado, and also see that every person hes his wappins, according to the acts made thereupon."

The burgesses were ordinarily armed with swords—firearms, which were yet of rude construction, not being in common use. Indeed, they appear to have been held in dislike as unfair weapons, and the inhabitants were prohibited from carrying them. "Na persons sall presume to have upon them or to wear ony pistolets, daggs,[3] culverins, or uther ingynes of fire," but shall "retene them in their awn houses and chalmers; and quha does the contrair sall incontinent be apprehendit and put to the knowledge of ane inquest, and punishit therefor, by the confiscation of the pistolets." At one time the carrying of long weapons was also forbidden—it having been ordained "that na neighbours sall wear upon their persons, within the liberties of the burgh, ony swords, cutlasses, [lang] daggers, or uther lang wappins, unless they have licence of our Soverane Lord's Secret Council, or be commandit specially be the Provost in the common service for assisting the magistrates in the execution of their office, under the pain of ten pounds; and farder, of being punished conform to our Soverane Lord's proclamation, made in the contrair;" and there having been "ane lang dagger apprehendit in the possession of John Miller, cutler, of the length of a short sword, it was ordanit to be hung with a chenzie within the tolbuith, for terrifeing uthers to bear the like." For a similar purpose, Edmund Burke produced his famous oratorical dagger, and threw it down upon the floor of the House of Commons.

1582. Oct. 1.

[1] Provided. [2] Beside. [3] Large pistols.

Naturally, the general possession of lethal weapons led to considerable bloodshed among the burgesses, although fatal encounters do not seem to have been frequent. Ordinary brawling, and assaults resulting in wounds, were held to be venial offences which were expiated by payment of a fine; and if death ensued, justice appears to have been satisfied when compensation was made by the slayer to the dead man's relatives, according to their condition and the circumstances of the slaughter. "Quhaever commits bluid or troublance within the burgh, the Bailies, tryers" of the same, shall "seize and ward his person ay and quhill he pay the pains contenit in the acts of the town." It was decreed that "the unlaw of bluid weit[1] be ten pounds, to be upliftit of all and syndrie persons airt and pairt[2] therein;" while the fine for "giving of ane cuff or drawing of ane whinger," without bloodshed, was fixed at "five pounds—the unlaws to be applyit to the kirk warks:" and it was ordained "that na person of the Council sall tak upon hand to request [pardon] for ony offender that is convict and wardit for wrang, troublance, or bluid, under the pain of five pounds, to be upliftit of his readiest guids."

1567. Oct. 7.

"In the month of December, Jenkin Davidson, alias Smyth, hurt and wounded John Jack, burgess." It does not appear whether this happened in fair fight, or was done in unprovoked assault; but the parties having been afterwards reconciled, and the wounded man "forgiving the said Jenkin with his heart, and receiving him in favour," notwithstanding the "heinous" deed he had done, "a decreet arbitral and contract" was made between them "touching the assythment and satisfaction" for the wounding; after which John Jack died. Then Jenkin "having fulfillit the contract in all pairts, there restit na mair to be fulfillit thereof but only the payment of some soums of money, which he wes willing also to satisfie and pay efter his power; and Silvester Ramsay for him, in presence of the Council, offerit Eufame Bell, mother-in-law of umquhile John Jack, in name and behalf of his relict and bairn, threttie pounds all in gold, as in complete payment of all terms bygane contenit in the contract; quhilk money she alluterlie refusit to receive." In consequence of this, "Silvester consignit and

1564. July 29.

[1] The fine as assythment or atonement for blood wite or blame.

[2] Instigating and sharing.

put the foresaid soum in the hands of Bailie Fotheringham, to be forthcoming to the behoof, utilitie, and profit of the persons nearest of kin to umquhile John, and protestit in name of Jenkin that he had therefore in effect fulfillit the decreet arbitral and contract in all pairts."

1591, Dec. 28. Thomas Gardyne, mariner, had been "airt and pairt in the slauchter of umquhile John Carnegy, baxter," and did not compear to underlie the law for the offence, but either ran off or went into hiding, and "wes denouncit his Highness' rebel. But his spouse having paid into the hands of John Downy, messenger to our Soverane Lord's treasurer, (who had power to mell and intromit with the escheat of all sorners within the Sheriffdom of Forfar,) the soum of twenty pounds, in composition for his escheat which became in his Highness' hands throw" not compearing "for the slauchter; Downy therefore dischairgit Thomas thereof forever at the hands of our Soverane's treasurer, and all uthers quhom it effeirs, and of all trouble that he may sustene be denunciation for the cause foresaid."

1588-9. Jan. 21. Robert Jackson, who was a violent and swaggering fellow, became "oblist of his awn consent na way to wear ony wappin within the burgh at ony time coming, without the special licence of the Provost and Bailies, obtenit to that effect;" notwithstanding which, a few months afterwards he was "convict in shooting with ane pistolet at George Mathew, merchant, under silence of nicht, and cutting of the said George his cloke and clayths with the bullet thereof." For this offence the magistrates ordained that the weapon "be confiscat, and that he pay the soum of ten pounds unlaw, and also find caution na way to wear or bear pistolet, gun, or ingyne of fire wark, or sword, or uther wappin upon his person in time coming, under the pain of ane hundred pounds;" and they enjoined "the officers to tak and apprehend him, and put him in ward ay and quhill he satisfie the ordinance." The officers had, however, been unable to execute their instructions; for next month Robert and a friend were both found armed with pistolets. The weapons were seized and confiscated, but the parties seem to have escaped beyond reach of the ordinance, which was again promulgated to the effect "that they find caution not to trouble the burgh, nor wear pistolets without licence."

1606. Aug. 16. An onslaught made upon one holding office was punished by the

imposition of disabilities. "In presence of the Council compeirit James Cathrow, maltman, and there maist humbly and penitently confest the grite wrang and injury done be him to Patrick Yeman, treasurer, in the striking of him with ane whinger in the breast, to the effusion of his blood in grite quantity, and to the hazard of his life; and therefore of his awn consent wes content to be exylit and banished the burgh during the pleasure of Patrick; and farder, band him never to bear upon his person any sword, whinger, knife, or other wappin during the haill time of his life, except be commandment of the magistrates; also, never to procure nor desire any office within the burgh without consent of Patrick; siclyke, to reverence and behave himself friendly and dutifully to him, his bairns and friends, and na way offer them any matter of offence be word or deed, under the pain of one thousand merks: and last, gif it please Patrick and his friends at any time heirefter, upon his humble supplication, to consent that he return to the burgh, in that case to mak sic assythment and satisfaction, ather publicly or privately, as they please to appoint." In view of this return, the wounded man also became bound "that James, efter the reconciliation, sall na way be troublit nor molestit be him or his friends, under the pain of one thousand merks."

CLAIM OF THE CRAFTS TO BE REPRESENTED IN PARLIAMENT.

1563. May 17. Queen Mary having summoned the Estates of the Realm to meet her for the first time, upon the 4th of June, the Dundee Council, in obedience to the charge, lawfully chose and elected James Lovell and Robert Kyd, "Commissioners in Parliament, to reason for the common affairs for the haill town;" and instructed them "to pass to Edinburgh to treat and deliberate upon certain matters there to be proponit, touching the common weill of the realm, and in special the libertie of borrows; and ordanit the common seal to be affixt to their commission. So the said James and Robert therefore requirit Alexander

Carnegy, collector of the crafts—who for their pairt was ane of the keepers of the keys of the common kist, quhair the common seal remains—to open the kist for his pairt, like as the uther twa keepers of the remanent keys thereof, were presently ready to do, that the seal might be affixt to their commission quhilk they presently had in their hands, conform to the antient use and custom of the burgh." But this "Alexander refusit to do, and answerit that the haill deacons and masters of crafts had inhibit him to open the kist to the effect foresaid, without there were ane craftsman contenit in the commission, in respect that they bear charges in the burgh, and hes the credit of keeping ane of the three keys of the kist; and allegit that use and wont wes of before that ane craftsman had the samin office; and therefore offerit him ready to open the kist so the Provost and Bailies wald condescend to this, his reasonable petition." In answer, "James and Robert allegit the [claim] to be ane novation, and against the act made for the election of them in commission;" which, they protested, "suld have as grite effect and strength before the Lords of Parliament, as gif the common seal had been affixt to their commission; and that the refusal of Alexander [should] prejudge nocht the privilege of the burgh, but that remeid may be had, time and place convenient." Then "Alexander protestit, that gif the Commissioners socht ony private means to be in commission without the order appointit be the common seal, [as of] use and wont within the burgh, that the samin suld be of na avail, nor yet prejudge nor hurt the crafts of the burgh."

Although it was usual to send only one Commissioner from Dundee to Parliament, on several previous occasions there had been two; but we have no means of knowing whether any of them represented the interests of the craftsmen, or if Carnegy was contending for an innovation. Probably there was some ground for his claim, and there may have been some admission of its reasonableness, as, although the Commissioners now appointed were to represent the "haill town," the crafts were not charged with any part of their expenses; but "the Council and community for obeying of the Queen's Grace's charge, ordained ane tax to be set generally amongst the rich merchants of the burgh for furnishing of men to the Parliament; and instructed the officers to poynd conform to the tax rolls, and mak money of the geir poydnit incon- 1563. MAY 21.

tinent"—the usual method being to defray the cost out of the common good, as was done two years afterwards, when the tenants of the common mills were charged "to deliver to the Commissioners then passing to the Parliament in Edinburgh the soum of twenty pounds, and the same would be allowit in their Martinmas mail." It was not until a much later time that Parliament prescribed the qualifications of town representatives, although the Convention of Burghs repeatedly passed
1606. Feb. 25. enactments regarding them. On one occasion, the Dundee Council, by the instructions of that body, entered in their records an act which had been made in 1598, wherein it was declared that "the estate of burrows is heichly prejudgit be certain of them quha of late hes directit their Commissioners to Parliament, electit furth of sic rank of persons as had little skill and experience of their affairs, and as little care and gude will to the standing thereof;" and whereby it was ordained "that nane of the burrows tak upon them to elect ony person to bear in their names the office of Commissioner in Parliament or Convention of the Estates, above the rank and degree of ane merchant trafficker, indweller within the burgh, and bearing burden within the same."

We do not know if Lovell and Kyd, having their commissions unsealed, had been prevented from taking their places in the Parliament which then assembled, as its records contain no roll of the names of those present. Its inauguration was a magnificent historical scene. The old chroniclers speak in rapture of the beautiful young Queen riding up the Canongate surrounded by her nobles, amidst the acclamations of the people; and even stern John Knox, whose heart was not to be touched lightly, tells, with unwonted warmth, that when she spoke for the first time from her throne to the Estates of Scotland, her youth and graceful presence called forth a great cry of "God save that sweet face!"

At this meeting several important statutes for the regulation of commerce were enacted; and, for the first time, the unlawful practice of witchcraft, sorcery, and necromancy—which is, however, described as "an abominable and vain superstition quhairthrow the people are abused"—was prohibited "under the pain of deid." All the laws and privileges of burghs, "quhilk," it was declared, "the Queen would rather augment than diminish," were confirmed; and it was ordained

"that five or six of the principal Provosts, Aldermen, and Bailies of the realm" shall be "warnit to all Conventions that sall conclude upon peace or weir, or on the making of taxation upon the realm."[1]

QUEEN MARY AND DUNDEE.

PROVOST HALIBURTON'S REBELLION AND GOOD SERVICE.

During the course of the short and troubled time in which Mary was regnant in Scotland—a time which began amid the golden flush of courtly chivalry, and ended under the dismal rack of her blasted hopes—she performed the duties of her office with the graceful wit of a fascinating woman, and with the dignified courage which belonged to her goodly race. She desired to know the country she came to govern, and made many progresses through it—exhibiting all the weakness of her sex for pageantry and show—and with such a central figure who could offer blame? yet having an honest purpose, to understand her people and to win their love. Within a month after her arrival from France, on the 18th September, 1561, she rode from Perth by the braes of Gowrie to Dundee, probably hawking by the way, a sport in which she took great pleasure. We know that the burgesses entertained her worthily, for "her Grace's honourable receiving at her first entry, and princely propines given to her in Edinburgh and Dundee," stimulated the Aberdeen Council to be at heavy charges for her reception the following year.[2] She remained in the town for two days, and then crossed the river on her way to St. Andrews. There is no notice of this visit in the Council records; but we are able from them to draw the somewhat mortifying inference that the delicacy of the royal lady had been offended by the sanitary condition of the town; for, when the Council met a few days afterwards, their first business was to promulgate an imperative edict against the middens, and to order the officers to inspect them daily under heavy penalties.

In the autumn of the following year, she made an expedition to

[1] Act. Par., II. 539-543. [2] Aberdeen Council Reg., I. 339.

the north against the Earl of Huntly and the rebellious Gordons—herself passing through some dangers with a dauntless spirit. On her return, in November, she was again in Dundee, when we may hope that she found no unpleasantness. The Council—in their turn probably emulating the people of Aberdeen, who had received her honourably, and presented her with a cup of silver gilt, filled with crowns—again
1562. Dec. 9. gave her a grand reception and an appropriate gift; after which "a taxation was ordained to be imposed for satisfying of debts restand awand for ressait of the Queen's Grace, and for a propyne." During the summer of 1564, she visited a number of remote places in the Highlands, extending her authority and personal influence beyond what was then considered the limit of civilization. In the beginning of August, she was at Glentilt—no doubt chasing the deer in its wild recesses. From thence she wrote to Colin Campbell of Glenurchy, instructing him "to prevent the broken men of Clan Gregor from bigging of a strength within the Isle of Lochrannoch, and lat all things rest until our returning, and then meet us either at Sanct Johnston or Dundee, as ye hear of our dyett, quhair we sall tak order in this behalf."[1] On the 11th September, she was in Dundee; but there is no other record of her presence, excepting the grant of monastic lands that she then subscribed, which gave the inhabitants right and licence to bury their dead in the place and yard of the Gray Friars.

The next time that Mary came to the town she was in high displeasure at the burgesses and at their Provost. Her marriage with Darnley, which took place on the 29th July, 1565, had given great offence to her brother, the Earl of Murray. Personal dislike to the new King, and jealousy of his family, were the causes of this; but the ostensible reason was that the Protestant religion would be endangered by the alliance. Murray having placed himself at the head of a rebellious faction in the south, the Queen and Darnley made a progress through the country to gather an army on their behalf. In Fife they succeeded in raising a considerable force; but, before they reached Dundee, Provost Haliburton, with a body of the burgesses, had gone to join the Earl in his enterprise, instead of mustering to support the royal cause.

[1] Letter in Castle Menzies—Sixth Report of Com. on Hist., MSS. 692.

James Haliburton, designated by his contemporary, James Melvill, "that notable Provost of Dundee,"[1] holds an honourable place in the annals of those eventful times, not only as the occupant of that office, but also as a man of mark who took no mean part in events of national concern, and in the council and the field did the state good service. We have seen that at the invasion of the country during the infancy of the Queen, when the English held possession of Broughty Castle and spoiled Dundee, he did the duty of a faithful patriot in opposing the enemy; and we find that when Mary of Lorraine was Regent, "in consideration of his earnest travel, great lawbours, and large expenses bestowit in [the national] service, specially in withstanding of England in time of weir, she obleist her to provide him to a yearly rent and living of five hundred pounds."[2] This pension, which appears to have been made payable out of the lands of Lord Gray, could not, however, be realised, and proved to be of no advantage to Haliburton; but Queen Mary, after her arrival from France, "be reason of the continuance of his service, for the sure payment thereof," provided him "to the mails of the town and lands of Clene."[3] His name is on a bond made in favour of the Earl of Arran, when he demitted the Regency in 1554; and he was one of those who subscribed the treaty of marriage between Mary and the Dauphin in 1558.[4] As we have noticed, he took a leading part in the great struggle for the Reformation. He raised a band of the burgesses, and led them to help the Lords of the Congregation in their contest with the Queen Mother; and especially distinguished himself at the siege of Perth, by the effective manner in which he conducted the artillery, and caused the capitulation of that town. The Dundee Council held him in such esteem, that from 1553, until nearly the end of his life, they annually elected him to fill the office of Provost, and they sent him as their representative to several successive Parliaments.

After he joined the leaders of the insurrection in their professedly religious enterprise against Mary and Darnley, a proclamation was issued charging "the Earl of Rothes and Sir William Kirkcaldy of Grange to enter the castle of Dumbarton, and Maister James Haliburton, Provost of Dundee, to pass and enter his person in ward within

[1] Diary, 276. [2] Reg. Privy Council, I. 501. [3] Ibid. [4] Act. Par., II. 514.

the castle of Dunbar, there to remain till they be freed be their Majesties;" but not having "obeyed the charge, and enterit their persons in ward, they were denouncit rebels and put to the horn;" notwithstanding which, they continued "to ride and gang in the realm quhair they pleased, and were interteanit as gif they were their Majesties' guid and true subjects;" and charge was made "that nane tak upon hand to reset or intercommune with the said rebels, or give or send to them meat, drink, munition, or armour in ony ways."[1]

A visit from Mary and her husband at this juncture could not have been very agreeable. It was no occasion for gifts and compliments. "The Queen's Grace coming to the burgh of Dundee, (on September 13th,) did show herself heichly offendit at the inhabitants for their abiding fra the host and army appointit to have past to Glasgow in the month of August immediately preceding, and for sic uther causes as then she wes displeasit with; for satisfaction of quhas indignation, and for licence to abide fra the raid appointit to pass to Dumfries theirefter, composition was made for the town be payment of the soum of fourteen hundred pounds."[2] The money had to be borrowed to pay this fine, and when the interest became due, the Council "upliftit ane taxation off the haill inhabitants, for payment of ane pairt of the profit of the composition given to our Soverane Lord and Lady." Three of the Bailies, James Lovell, George Rollock, and Richard Blyth, with the collector and the treasurer, although they probably had not followed the Provost, yet "being all suspectit for the favour they buir to sic of the nobility as wes prosecutit be the Queen's Grace, were also constrainit to compone for their relief be payment of great and large soums of money."[3] Her Majesty, who was accompanied by the Earl of Crawford, her cup bearer, by Lord Ruthven, he who was chief actor in Rizzio's murder some months later, and by the Earl of Athole, discharged Haliburton from his office of Provost, and placed the Earl of Crawford in his room. The Crawfords at one time held lands and were powerful within the town, and they still possessed much territorial dignity in its neighbourhood. At the dissolution of the monasteries they somehow obtained a grant from the Gray Friars of a large portion of their meadow lands, to which, as we shall see, they afterwards laid

[1] Reg. Privy Council, I. 354 [2] Ibid, I. 597. [3] Ibid.

legal claim; and their great house, "The Earl's Lodging," was yet standing opposite to St. Mary's Church. This, it might be expected, would enable the Earl to hold a dominating influence over the burgesses, such as was maintained by Lord Ruthven in Perth, who held the place of Provost there, almost hereditarily, by virtue of the possession of his stronghold of Gowrie House. Haliburton was also deprived of his pension, it having been assumed by the Queen, "and he was impedit in the joising and using of it."[1]

While Mary was in Dundee, a general proclamation was issued appointing "the raid to Dumfries," and charging "all and sundry their Majesties' lieges betwix sixty and sixteen, that they and ilk ane of them address them to meet their Highnesses weill bodin in feir of weir, and provydit to remain for twenty days, and with palyeons[2] to lie on the fields." A declaration was also made, denying the assertion of the rebels—"to fyle the eyes of the blind people, and to alienate their minds—that their Majesties mindit na thing else but the subversion of religion, quhair as nane of these maist wickit and false bruits ever enterit into their Highnesses' minds;" for, as "their Majesties heretofore hes in na ways preisit ony persons in the free use of their conscience, sa may their guid subjects assure themselves to be in full surety thereof in time coming."[3]

1565. SEPT. 25. At the first meeting of the Town Council after the royal party had left, a statement was made of certain wines supplied to the household:—"The Provost, my Lord Earl of Crawford, and maist pairt of the Council being convenit in the Council-house, ordained the treasurer to content and pay the price of the wines tane up be Bailie Kyd, for furnishing of the King and Queen's Majesty and my Lord of Athole the last time they were in this burgh, extending to the particulars efter following:—To Andro Annand, younger, ane puntion: John Small, twa puntions: Robert Cheird, fourteen gallons: and to my Lord Athole, ane tun: deliverit be the said Bailie Kyd."

Murray's disaffection did not attain to the dignity of rebellion; his forces fled when confronted by the Queen's army, and he himself, with his principal abettors, amongst whom had probably been Haliburton, took refuge in England. They remained there until the following

[1] Reg. Privy Council, I. 501. [2] Pavilions = tents. [3] Reg. Privy Council, I. 371-2.

spring, and then, with the concurrence of Darnley, returned to Scotland at the time of Rizzio's murder; when Mary, having become unable to distinguish which of the factions were her friends, frankly forgave them. The Earl of Crawford occupied the office of Provost of Dundee for only one year, and then Haliburton was reinstated; although it was not until March 1566-7, after Darnley himself was dead, and his murderer was preparing to occupy his place, that he had his pension restored at a meeting of the Privy Council, apparently through the influence of Earl Bothwell, who was present:—"Efter diligent trial and proof of Maister James Haliburton's service, and how he hes burdenit himself, his house, and friends, and that his pension wes made [by] her Majesty's dearest mother maist justly, and nocht extort be his importunity," the Lords found that it "was as necessarily bestowit upon him as gif the same were employit in our Soverane's awn ordinar;" and they appointed to him a grant of the thirds of certain kirk lands, or in place thereof, a pension of one thousand pounds.[1]

In December 1567, after the Earl of Murray was Regent, the three Bailies and the others who were mulcted in large sums, presented a supplication to him, praying "that they may be relievit of their great skayth far exceeding their neighbours—they all being in ane case, [only] because they buir public office they were therethrow constrainit to mak the payment." The Provost and others "compeirit before my Lord Regent" on the matter, and they then found that the possession of authority had modified his opinions regarding rebellion; for, instead of relaxing or restoring the fines, he ordered the Council to "convene and tak trial quhat soums were payit be the complainers to the Queen's Grace, and mak payment to them of the soums debursit, like as is done with the fourteen hundred pounds paid by the town, so that they may be relievit of the payment far exceeding their neighbours; and this within six days, under the pain of rebellion and putting of them to the horn."[2] They did not, however, shew much alacrity in
1567-8. Mar. 24. obeying this order, and after some months measures were taken for putting the threat in execution. "Compeirit Andro Annand, the King's macer, and intimat his charge given of before now to the Council, for relief of the compositions grantit and payit to our Soverane Lady and

[1] Reg. Privy Council, I. 501. [2] Ibid., I. 597.

uthers in her name" by the five burgesses, "and made certification that gif the Council disobey, he will [immediately] denounce the disobeyers our Soverane's rebels, and put them to the horn, conform to the letters." This gave the business a serious aspect; and they then "offerit themselves ready" and bound "to obey the command, and therefore protestit solemnly that they suld incur na pains."

Some years afterwards, the act of the Queen in punishing the town was made the pretext for reaving the landward possessions of a burgess. David Henderson, indweller of Dundee, occupied "the kindly steading callit the free lands of Abirbrothie, [in Strathmore,] pertening in heritage to James Wedderburn, burgess of the said burgh." In 1572, "David Ogilvy of Auchteralyth, and uthers, wrangously ejectit David, his wyff, and bairns" from the place, "and reft fra him the haill guids, geir, insicht,[1] corns, and cattle being thereupon, and put him and his puir wyff and bairns to sic extreme necessity, that they were able to perish for lack of sustentation; for na cause that they had against David, or James, his maister, but that they esteemit the pretendit forfalture led in the Queen our Soverane Lord's mother's time, against all the inhabitants of Dundee, should tak place, and that David and his maister, as members thereof, were just prey to them in respect thereof." Henderson made a complaint to the Privy Council of this "odious offence against puir peaceable people," and Ogilvy and his friends were charged to make answer, but not compeiring, they were denounced as rebels, and put to the horn.[2]

Although the Queen, the Prelates, and the Lords had the right to require that all wine arriving at ports should "remain within ship onsellarit[3] for four days, unto the time they be staikit to the sustentation of their houses,"[4] her Majesty was not satisfied with having the first choice only, and she several times charged the Dundee Council to give her a free supply out of newly imported cargoes. "It was ordained that the eight tuns desyrit be the Queen's Grace be deliverit furth of all the ships now within Tay, as the sempleir pleases receive; and that all sealat doors be open and patent to him; and that forty shillings mair be payit for the tun nor the common price that the wine presently gives; and that all clerks of the said ships collect and gadder the price

1563. Ap. 29.

[1] Implements.
[2] Reg. Privy Council, II. 183.
[3] Not warehoused
[4] Reg. Privy Council, I. 299.

of ane tun and ane half with the fraucht; and the skaths[1] to be taken of the haill wines according to their quality." The arrangement seems to have been that when the Bordeaux ships arrived, the sempleir—sampler or taster—out of any of them chose the wine for the Queen, and the value of it was stented or skatted proportionably upon the owners of all the cargoes, who were then allowed for their reimbursement to sell the rest of their wines at forty shillings above the market price. Next year it was enacted "that the act made of before concerning the skatting of all wines being in every ship quhom fra the Queen's Grace's sempleir receives ony, be put in execution;" and that "their ships new come fra Bordeaux specially keep the same order; and siclyke, all uther ships arriving at this port heirefter, as lang as the Queen's
1564. Dec. 6. Grace sall charge the town for wines." Some months later, it was ordained "that William Rysie, sempleir, be answerit of four tuns of wine of thir present four ships belanging to the town, and that the clerks of the ships gadder the scatt thereof with the fraucht, according to the acts made before; and that open doors be made to that effect." After the burgesses fell under the Queen's displeasure, and were fined for rebellion, no further charge appears to have been made upon their wine ships; and the royal cellars having become exhausted, it was found necessary to replenish them by the ordinary method of purchase. In April 1566, "the Secret Council having consideration how our Soverane's house wes empty and desolat of wines, quhilks necessarily behuvit to be providit, commandit eleven tuns to be ressavit fra" certain merchants in Edinburgh; and as "reason and equity wald that they be sufficiently payit," ordained the comptroller to give fifty pounds "for ilk tun deliverit."[2]

It seems to be a curious coincidence of circumstances, when we find that the last regal act which Mary did as Queen in Council, on the day she fled with Bothwell from Edinburgh—only to return from Carberry hill in contumely to imprisonment, and the demission of her crown—was, as we shall afterwards see, to denounce Bailie Wedderburn of Dundee for having seized a ship "be manner of plain piracy," and that the first act done in the name of her infant son, after his proclama-

[1] This means the apportionment of a tax; scatt, or skatt, in Shetland was a duty exigible from tenants.

[2] Reg. Privy Council, I. 451.

tion as King, was to order certain skippers of Dundee to proceed with their ships in pursuit of Bothwell, who himself had turned pirate:—"Umquhile the King our Soverane Lord's father, having been cruellie and horriblie murtherit be James, Earl of Bothwell, and then the Queen, his dearest mother, raveist, led captive, and under the pretence of ane unlawful marriage, joynit with the said Earl—being ane uther wyff's husband—to the greit dishonour of her and this haill nation;"[1] and thereafter Bothwell and his accomplices, having been declared rebels, "have reft and spulyeit diverse ships, and accompaneit with certain notorious pirates are past to the sea, minding to continue in their reif and piracy, gif timeous remeid be nocht provydit. Our Soverane Lord, therefore, hes committit full power to Sir William Murray and Sir William Kirkcaldy to seek and pursue the Earl and his complices with fire, swerd, and all uther kind of hostilitie; for the quhilk purpose, it being convenient that they be substantiously furnished with ships, and with honest, true, and faithful skippers and mariners," letters were ordered "to be direct to the Provost, Bailies, and community of the burgh of Dundee, to charge the masters and owners" of the James, of the Prymrose, and of the Robert, "and all masters, skippers, and mariners, indwellers of Dundee," whom Murray may name, "to address and prepare themselves and their ships to pass with him and his company, for execution of the King's charge; and that they answer and obey him therein within six hours efter they be chargit thereto, under the pain of deid"—he and Kirkcaldy having full power "to convene his Highness' lieges in warlike manner, and to reg furth how many ships they sall think meet."[2] The expedition which then set out was not successful in overtaking Bothwell, and no act of justice was done upon the regicide, although he did not escape unpunished. After a short stay in Cromarty and in Orkney, he succeeded in eluding his pursuers, and his ship was drifted upon the coast of Norway. There he was for some time treated with honour by the King of Denmark, but upon his antecedents becoming known, he was imprisoned, and ultimately cast into a noisome dungeon, where, after a detention of ten years, he perished most miserably.

Although the Dundee ships did not meet with the Earl, one of

[1] Reg. Privy Council, I. 545.

[2] Ibid., I. 544.—August 10th, 1567.

them succeeded in capturing a vessel which he had seized piratically. The incident is narrated in the proceedings of the Privy Council:—"Alan Watson, burgess of Sanct Andrews, carrying certain victual perteining to my Lord Regent, wes, be storm of weather, constrainit to pass in Cromarty, quhair Earl Bothwell and his complices masterfully spulyeit and reft his ship fra him, with the haill guids and geir being thereintil, extending to the soum of one hundred pounds, by the apparelling of the ship, and carryit her with them. Quhairupon, Alan menit him to my Lord Regent, quha promised gif ever the ship were tane or come in Scotland, that he should have her again, or the just avail, of the readiest guids perteining to Bothwell." In the month of September, "Thomas Davidson and John Henderson, with uther merchants, being in ane ship of Dundee callit the James, for searching and seeking of the said Earl Bothwell, apprehendit Alan's ship in ane sound of Zetland," she being "void and desolat of the Earl and his servants, except ane cook, and brocht her to the port of Dundee; and there," as Alan complained to the Regent, "masterfully detene her fra him, and will on na ways deliver the same again to he broukit be him as his awn proper ship, and have spulyeit her of her geir and apparelling, and have already [roupit]—or at least intend to roup and sell her." The parties compearing personally, were heard by "the Regent and Council, who having been rypelie avysit, decerned Davidson and Henderson to restore to Alan his ship with her tackling in sic state as they received her, within forty-eight hours"—Alan paying to them, "at the ressait of the ship and grayth, the soum of thretty pounds."[1]

Provost Haliburton was one of the ten Commissioners appointed to receive the demission of Mary's crown at Lochleven, and under the several regencies during the minority of James, he continued to take an active part in public affairs. When the Gordons raised fresh troubles in the north, he was sent to help in their suppression; and was ordered "to pass to, and tak and apprehend the house of Kinnaird, perteining to John Carnegy, who was one of those that plainly assistit and took pairt with the Earl of Huntly, and keep the same to be furthcoming to the King's Majesty;" and after he had it in possession, the Regent, at Dundee, instructed him to deliver "the house, guids, and geir to John,

[1] Reg. Privy Council, I. 581.

Lord Glammis."[1] When an attempt was made to settle some of the frequent "quarrels and feuds that hes fallen out betwix the houses of Gordon and of Forbes," he was appointed one of the arbiters;[2] and even when a house was divided against itself—when Alexander Blair of Friertown and his wife had a difference which separated them, "they were content to submit the quarrel to the judgment of Patrick, Lord Lindsay of the Byres, and Maister James Haliburton, Provost of Dundee."[3] In consequence "of the enormities committed betwix the inhabitants of Teviotdale and Liddesdale, of the surnames of Scott, Ellot, and Armstrang," the Lords of Council directed Haliburton to take "assurance betwix the parties until the matters debatable be tryit;" and when he reported his proceedings, "at the Justice Court held at Jedburgh, they declared that he had duly, honestly, and diligently discharged his office;" and they afterwards sent "the Provost of Dundee to sit as Justice in the trial and punishment of all attempts tending to the violation of the said assurance."[4] In 1579, George Buchanan and he, along with three others, made a lengthy and interesting report regarding the reformation of St. Andrews University;[5] and in 1581, the King, "upon knowledge and experience had of the wisdom, honestie, gravitie, and gude judgement of his well-belovit Maister James Haliburton, Provost of Dundee, quha at all times sen his Highness' coronation, hes been occupeit in his Majestie's affairs," appointed him to be of the Privy Council.[6]

At several times his pension was in danger, but he always had sufficient interest to keep it secure. In 1579, there was a general revocation of previous grants, but exception was made by the King to that of his great uncle, the Earl of Lennox, to that of Anabel, Countess of Mar, "governant of His Highness' person and mouth in his infancy," and to that of "his weill belovit daily suitor, Mr. James Haliburton, quhilks, his Highness declares, are not to fall under the revocation."[7] In the same year he received a grant of the priory of Pittenweem, with its lands and houses, from which Sir James Balfour

[1] Reg. Privy Council, I. 648.
[2] Act. Par., III. 231.
[3] Reg. Privy Council, I. 598.
[4] Ibid., III. 364, 448.
[5] Act. Par., III. 178.
[6] Reg. Privy Council, III. 458,
[7] Act. Par., III. 149.

had been dispossessed by forfeiture, for the part he took in the murder of Darnley. Balfour, however, afterwards obtained the King's protection and regained possession of the lands; but upon Haliburton's petition, his Majesty declared that this had been done "throw wrang information, and suppression of the veritie;" and Balfour was ordered "to render and deliver the priory to Maister James or his servants."[1] The King likewise made a grant of his pension during the lives of two relatives:—"Understanding that the guid and true service of Maister James Haliburton, Provost of Dundee, in the defence of the Queen, our mother, in her minority, was not only to the hazard of himself and friends, but to the greit tinsell of their guids and substance, for the quhilk ane greit reward was oftymes promised him, and at last ane pley against Patrick, Lord Gray, was put in his hands, the pursuit quhairof was [however] na less skaithful to him nor his former pains in the service of our realm, and yet nathing to his commoditie." Considering also "his true service toward the defence of our authority, and that the Prince is always debtor to see the service done to the common weill rewardit—and in respect that he is presently to be imployit in our service, to the hazard of his life," and to the effect that his reward should not "end and perish with his person, in case of his inlake"—therefore his Majesty "has granted a life-rent of his pension to his cousins, brothers of Sir George Haliburton of Pitcur, Knicht;" and this grant Parliament ratified.[2] The King subsequently again confirmed him in the possession of the "toun and land of Clene, with the sheep steading callit Phillan's hill."[3]

1588-9. Feb. 20. He resigned his office of Provost in 1586, after thirty-three years' tenure. At his death, the Town Council "concludit to mak the haill charges and expenses of the burial of Maister James Haliburton, some time Provost of the burgh, in respect of his gude will and favour during the time of his charge." He was buried in the south transept of St. Mary's Church—then being re-edified as a separate place of worship—under a richly sculptured altar tomb,[4] which, with many other interest-

[1] Reg Privy Council, III. 519.
[2] Act. Par., III. 417.
[3] Ibid., III. 487.
[4] "For bigging the Provost's grave," John Mill and George Tamson received thirty-three pounds six shillings and eight pennies.—Treasurer's Accounts. This had not included the cost of sculpture.

ing memorials, was destroyed by the fire of 1841. The inscription over him was thus transcribed by Monteath:—

HIC · SITVS · EST · IACOBVS · HALYBVRTONVS
PATRVIS · NOBILIS · VIRI · GEORGII · HALYBVRTON · DE · PETCVR · MILITIS
QVI · PRÆFECTVRAM · DEIDONI · VRBANVM · FAVCITER · ANNOS · 33 · GESSIT
OBIIT · ANNO · DOM · 1588 · AETATIS · SVAE · 70
ALECTI · PRAEFECT · PATRIAE · VINDEX · PVPILI · TVTOR
ECCLESIAE · IESV · ALVMNVS · FVIT.

BELLIGERENT AND PIRATICAL SHIPS.

Although the internecine wars of Scotland and England were by this time almost over, the commercial relations subsisting between the countries had not become intimate, and they were liable to be interrupted by incidental hostilities. When the latter was at war with France, the belligerents—not yet having international laws for their guidance—made some use of Scottish ports for getting their prize goods disposed of, and thereby subjected the neutral state to the danger of reprisals upon its own commerce. The Dundee Council instructed "William Kynlocht to pass to the Provost and Council of Montrose, to desire them cause arrest the guids and geir perteining to Englishmen, brocht in to their haven now in time of peace be the ship of Basque; and to treat and deliberate with them for remeid to be had thereintil, for evading of the danger and inconvenience that may occur to merchants through the said intromission of merchandise guids." The following year, in circumstances which are not recorded, but had probably also been connected with this French war, two Dundee ships were seized by the English; and the Lords of Council "commandit that it should be rememberit quhenever there sall happen to pass ane ambassador to England, that there be ane special article in his instructions touching David Ramsay's ship of Dundee, callit the Grace of God; also, the Prymrose, stayit in the last raid."[1] It does not appear whether or not Lethington, when he shortly after this went to England,

1563. Sept. 3.

[1] Reg. Privy Council, I. 307.

negotiated the return of these vessels; but they had been restored, for the Prymrose was one of those sent out from Dundee in pursuit of Earl Bothwell in 1567.

At the same time there was also war between Denmark and Sweden, and some troubles arose in consequence. "Ane ship lately arrivit at Dundee, of which James Barry was master and captain, bringing with her a bark" belonging to a "subject of the Earl of Endem," which, it was suspected, had been taken by an act of piracy. So the Privy Council sent instructions to Provost Haliburton "to apprehend the persons, pirates, being into the ship," and bring them to Edinburgh; and on 24th April, 1564, "he presentit James Barry, quha allegit him to be under the King of Denmark, and that he had sufficient power of him to mak weir, and to invade and pursue the King of Sweden's subjects and adherents, and that he, be virtue of this power, had taken the prize, (being but a small bark of thirty tons or thereby, quhairin wes only a few nowmer of fishes, nets, salt, and uther grayth ganand[1] for fishing,) subject to the Earl of Endem, quha wes confederate with the King of Sweden, and enemy to the King of Denmark, quhas wageit man James Barry presently avowed himself;" and he declared that he had not come "with his ship and prize purposely within the Queen's waters, only constrainit thereto be storm of weather." On giving security to relieve and keep skaithless the Queen and her lieges of all claim by the subjects of the Earl of Endem, the Privy Council ordained the arrestment made upon James' ship and his prize "to be lowsit, and the vessels to be deliverit again to him."[2]

There were restrictions upon the importation of certain descriptions of cloth; and when "the Fleand Hart, of Incasen in Holland, Symon Clowson, master, arrived at the port of Dundee," there was found amongst the goods on board "four score elns of quheit clayth, which James Wedderburn, clerk of the cocquet,"[3] seized as being contraband. But complaint having been made to the Lords of Council, they "decerned him to restore Symon the clayth, on receiving fra him the duty therefor, as use is."[4] Wedderburn was rather forward in making confiscations. Some years later, he seized a vessel and its

[1] Proper. [2] Reg. Privy Council, I. 276. [3] Wedderburn was piermaster, and collected the duties. [4] Reg. Privy Council, I. 295.

owner as being piratical, and the ship turned out to be honest, and the man was found to be a fair trader. "The Sampson, whereof Henry Nauchtie, burgess of Kirkwall, in Orkney, was owner, having come into Tay fra Hull in England, was lying at ane anker before Broughty," and on 20th May, 1567, upon suspicion that she was a pirate, "Bailie James Wedderburn, of Dundee, with his complices, to the nowmer of twenty persons or thereby, bodin in feir of weir, went under silence of nicht on board upon the ship, and took the haill kippage[1] furth of the same, to the nowmer of six men and ane boy, and put them in captivity in diverse houses, taking fra Henry his haill ship of the birth of three score tons, with her laidning of clayth, and salt to the nowmer of twa hundred bolls, together with her ankers, sails, cables, and tows, and his awn clething, money, and victuals; and likeways taking fra the skipper the cocquets and contracts" for the cargo. Henry made complaint to the Lords of Council that "the spulyeing" of his ship had been done "be manner of plain piracy," and alleged that he was no pirate, "but, as is notour and weill kend, ane puir young man laubouring and travelling sair for his living, and hes travellit in the same ship continually sen Yule wes ane year; and efter that he had sailit her lang for hire, finding her commodious for his trade, he coft her in July a year syne, and had her all last winter in Zetland with victuals carryit out of Aberdeen, and barterit the same with fish and oyle, quhilk he carryit to Hull in England; and now lately is returnit without ony manner of artillery, or ony uther thing that may favour of piracy, and hes led all his life without suspicion thereof, and will refuse the judgment of na honest merchant in Scotland." Wedderburn was charged to appear before the Privy Council to answer the complaint; but he judged it prudent not to present himself, and was denounced rebel, and put to the horn "for his contemption." Only Bailie Blyth—taking with him the captured sailors—compeared on behalf of the other magistrates, and he was ordered to deliver "Henry's ship, guids, and geir, as gude as they were the time they were taken from him," under the pain of the like penalty to the Provost and Bailies.[2] The magistrates were no doubt pleased at getting off so easily, and they at once delivered up the ship to the poor young man. They did not think it

[1] Equipage of sailors.

[2] Reg. Privy Council, 1. 517.

1567. July 5. judicious to take the costs of the business directly out of the common good, but devised another method for paying them. "The Bailies allowit the officers ten pounds for their expenses and labours made upon Henry Nauchtie's ship, and in passing to Edinburgh with his mariners," and provided the sum by convicting "John Peblis in ane bluid wite, in hurting, wounding, and drawing the bluid of George Bell," and then instructing them "to pass and poynd" the offender's "readiest guids and geir, or ward his person ay and quhill he pay them the ten pounds." To Bailie Blyth, "twa burgesships were grantit in recompense of the skaiths obtenit be him in passing to Edinburgh on the town's affairs;" and for these, after some months, the treasurer paid him "the soum of twenty pounds as for their duty."

In 1591, Thomas Ogilvy, merchant burgess, Dundee, having "alleged that certain inhabitants of the town of , in France, professors of the union and league callit the Halie League, pilleit[1] him of ane ship's ladening of wheat and uther merchandise," he "thereupon purchest ane letter of marque of his Highness' Council for melling and intrometting with the guids and geir of professors of the said Union." Under colour of this, he, in the ship Thomas, which James Fleshour and he had freighted, seized certain guids and geir furth of a ship of Danskin, lying in Zetland, "allegit be him to pertene to the Duke of Florence," and brought them to the harbour of Dundee. The magistrates did not think that this had been a lawful seizure, and they got some other burghs to join them in making a remonstrance to the Privy Council against the commission of such outrages upon the members of the great Catholic confederacy, which was then at war with Henry IV. In this they showed that "there are diverse princes and potentates under that League standing in friendship with his Highness," and within "quhas dominions almaist the haill traffickers of this realm hes frequent trade, receiving all kinds of courtesie and humanitie of them, and usit in all respects as friends; and it is na ways equitable that ony true men, his Majestie's confederates, should be troubled for the misbehaviour of any of his enemies."[2] In response to this appeal, Thomas Ogilvy was required, "by his Majesty's charge directed to the Town Council, to present himself before the King and Council to abide trial

1591. May 4.

[1] Pillaged. [2] Reg. Privy Council, IV. 615.

anent the melling with the guids being in the ship of Danskyn;" and upon consideration of the matter, the Lords of Council ordained him to find caution that "he sall not use the letter of marque except against sic borrows as are mentionat therein," and that he shall not make any wrongous intromissions; and they instructed the magistrates to arrest the ship and the goods. Ogilvy, however, left Edinburgh without having given the caution required, and the burghs shortly afterwards made another representation showing that he did not intend "to find sourtie at ony time, but to lat the guids remain in the hands of the magistrates of Dundee, be quhom be his Highness' letters the same are arrestit, so bringing them in danger of the laws as though they had been the pillagers." Further, they alleged that it was still his intention to execute the letter of marque against those bound by the Holy League without distinction, "as gif they were all professit enemies to this nation, when, as his Majesty knaws, there is few or nane but stand in guid friendship with him and the haill country," and have "utterit at all times signs of friendship to the complainers, and [this has been done] chiefly by the inhabitants of Danskin. Attour, besides the liberty granted to him be the letter of marque to pursue all professors of the League in general, the like liberty is granted against certain towns quhairof there is some that of late hes renderit their obedience to the present King of France, and the remanent is luiked for to do the like;" and there is "gude friendship and neighbourheid presently standing betwix his Majesty" and that King. This remonstrance had the desired effect; Ogilvy was again charged to compear before the Privy Council, and failed to do so; "but the Lords decerned the letter of marque to be null hereafter," and ordained him for his disobedience to be put to the horn.[1]

The vessel being still held under arrest, the owners represented to the Lords of Council that they were sustaining great loss, for having freighted her to Thomas Ogilvy and James Fleshour, "trusting that nothing would happen to peril their ship," Ogilvy had carried her to Zetland, and there "intrometted, by what authority they know not, with goods of a ship of Danskin belonging to the Duke of Florence;" and when the vessel returned to Dundee, the magistrates arrested her,

[1] Reg. Privy Council, IV. 627.

and have held her ever since, "to the complainers' great hurt, and to the wrack and periling of the ship." In answer, the Lords ordered the arrestment to be loosed, and the ship to be disburdened and the goods
1591. Aug. 11. delivered to the magistrates.[1] James Fleshour then "requirit the Bailies to receive upon inventare the victual and uther guids now in the ship Thomas, lying at the shore, according to the Act of Council ordaining the merchants to disburden and deliver them." They, however, "refusit to receive the guids without Thomas Ogilvy's consent, as they understude him to be principal merchant and only mellare and transporter of them to the port—he having avowit the melling and intromission be virtue of ane letter of marque grantit to him be his Majesty;" and they "required of Thomas gif he wald concur with James Fleshour in deliverance of the guids upon inventare;" but he "answerit that he wald na way deliver them, nor concur nor consent to the same in ony form." Then Fleshour himself proceeded to unlade the vessel, which they resolved to prevent, and "David Gardyne, officer, at command of Bailie Man, dischairged him to loiss ony guids being in the ship;" but James "disobeyit be saying thir words, that he knew not the said David for ane commander, and be bidding him cause the Bailie quha directit him come in his awn person and dischairge him therefra. He was next requirit be Gilbert Gelletlie, another officer, to desist fra the lossing of the ship; but he menassit Gilbert—bidding him soon dischairge himself, or he should cause him repent." Then the Bailie went himself, accompanied by "Bailie Auchenleck, and assistit with uthers, and requirit James diverse times to come furth of the ship and desist fra lossing the guids, in respect the same were under arrestment;" and yet "he wilfullie disobeyit, in evil example of uthers." For this offence, he and those who "assistit him in lossing the ship efter the inhibition, were ordainit to remain in ward till the Council took order anent their disobedience." Thereafter Ogilvy joined with his partner in giving up the goods, and the Council then agreed to receive them, and "appointed that ane Bailie ilk day during the deliverance attend for receiving thereof, according to our Soverane's chairge, with twa notars to mak the inventare; and that the treasurer cause loft and sellare the guids, and mak penny of sa meikle as is in

[1] Reg. Privy Council, IV. 665.

peril of spilling, and keep the same with the remanent to the behoof of the just awners."

Thomas Ogilvy subsequently represented to the Lords of Council that he had been put to the horn most unjustly for "his allegeit disobedience," inasmuch as, at the time of giving of the charge, he, being in Edinburgh "and astricted to sic hard conditions of cautionrie," could get none within that burgh to become bound for him, "and so of necessitie behuifit to pass furth to use sic moyan as he could for finding caution;" and he showed that at the last he had gone with diverse honest witnesses, "and disburdened the ship of her haill ladening," for which causes he claimed that the letters of horning against him should be suspended; and no one having offered objections, this was accordingly done.[1] We hear nothing further regarding the goods, but it is not probable that they ever reached the owners.

1600. MAR. 20. All merchant venturers at that time incurred some risk from piratical raids. "In presence of Bailie Lyoun, the awner and mariners of the ship callit the Robert, testified quhat guids and geir were spilled and tane furth of the ship in the Spanish seas" the preceding year. "They deponit that twa ships of Zealand—as wes reportit to them—buirdit the ship and took furth thereof certain wine and guids," the particulars "of quhilk they presentit in ane tuket[2] to the Bailie, for return thereof; and quhairupon he ordainit the town's testimonial to be directit under the seal of cause." But merchants suffered losses from other sea thieves beside pirates; for it was "notorlie knawn that they were heavily hurt, defraudit, and dopnagit"[3] by the "drawing and drinking of their wines coming furth of Bordeaux, not only at the lossing and laidning, but also upon the sea principally." The Council therefore "ordanit that in case ony man quhas puncheons are drawn, can prove gif the mariners of the ship drew or drank the wine, that the master of the ship sall cause the puncheons quhilk are drawn to be made full with sufficient wine; and gif they be ventit or spilt in the drawing, the skaith to be recompensit be the master." An "efter" method was subsequently devised for finding out the leakage—instead of the owner being required to show that his wine had been drunk, the sailors were held to prove that it had not been done by them. It was

1567. JUNE 18.

1580-1. JAN. 9.

[1] Reg. Privy Council, IV. 707. [2] Certificate. [3] Damaged.

enacted that "the masters and haill quippage of ships coming fra Bordeaux sall be haldin, quhen it sall please the merchants to require them, to give their aiths in presence of the Provost and Bailies, gif they, or ony ane of them, hes drawn or known of the drawing of ony of the wines, with certification that, gif they failze, the same sall be haldin *pro confesso*, and the master sall be decernit to pay it."

THE HOWFF.

After the friars left their monasteries, the buildings and gardens remained for some time deserted, no one having ventured upon taking absolute possession of them. The Council, however, without authorization, destroyed the Gray Friars' house, situated on the east side of the Friar Wynd, and, as we have seen, applied the materials to the erection of other buildings. In 1561, a general act of the Privy Council ordained that such of the monasteries as were yet standing undemolished should be used as hospitals and schools; but the principal one being already ruinous, no such appropriation took place in Dundee. Shortly afterwards, by a grant which has not been preserved, the Town Council obtained possession of the Black Friars' house, on the west side of the Wynd, apparently upon condition that the building should also be demolished; but they tried to evade this, and save the place for some useful purpose, by ordaining the treasurer "to tak down [only] sa mony stanes out of the Black Friars' walls as will satisfie the conditions made to the town the time of the disposing of the said walls." It does not, however, appear that the house was preserved, for later notices refer only to the ground. The street which passed between the monasteries had now become a more important thoroughfare, and the treasurer was instructed to "cause complete the calsay in the Friar Wynd, and lay grite stanes at the end of the wark for safety of the same, and this sa far as it is brocken"—the "grite stanes" being no doubt to prevent the round water-worn cobbles from rolling away.

1563-4. Mar. 16.

The old churchyard of St. Clement was at this time the only

burying-ground used in the burgh, and its limited space—hemmed in by houses on the side of the Market Gait—made it a most unsuitable and indecorous place of sepulture. When Queen Mary visited the town in 1564, this had been brought under her notice; and with an intelligent appreciation of sanitary laws, and a ready recognition of the need for a change, she gave a grant of the site of the Gray Friars' house and garden for a burying place. In this she says:—"Understanding that the kirk-yarde of our burgh of Dundee is situate," and "the deid of the haill burgh is buryit" in the "midst thereof, quhairin the common traffic of merchandise is usit, and [that] throw occasion of the said burial, pest and uther contagious sickness is ingenerit"—and as "within the realm of France and uther foreign parts there is na deid buryit in grite towns"—her Majesty, to ensure that "in the kirk-yaird quhair the deid was buryit of before mair decent policy may be had, and for uther causes," therefore gave licence to the burgesses "to bury their deid in that place and yaird quhilk sometyme wes occupyet by the Gray Cordelier Freris, outwith and beside" the burgh; and authorised them "to intromet, repair, use, close, and big the same sufficiently."

Although the ground was immediately used for burials, it had not been securely enclosed; and as its ruinous walls were at the burgh boundary, the inhabitants found means to enter and leave the town surreptitiously by clambering over them. But it was ordained that none "pretend to clyme the dykes of the burial place in time coming, under the pain of the unlaw of eight shillings, to be uptaken of ony persons sa oft as they failze." Fining offenders did not, however, stop this, and the Council for remeid resolved to shift the town gate in the adjoining wynd from the line of the outer to that of the inner wall of the burial place. It was "concludit that the Friar Wynd Port sall be instantly removit fra the place quhair it stands, and placit mair inwardlie, æquallie with the middle dykes upon the south side of the Covan" (or Convent) "yairds." This would have the effect of placing the ground outside of the boundary, and then only its southern wall would be needed as a protection to the town. 1566. Oct. 4.

In 1601, it was resolved "that sufficient dykes be biggit about the common burial place in substantious manner," and for the cost, "that

there sall be ane oulklie collection ilk Sunday before noon, of the people resorting to preaching." Further, it was agreed that "ane honest and cumlie yett be put upon the burial place;" and when the work was completed, John Bursie received a gratuity "for his bypast service in attending upon the reparation of the walls." These were made heavy and substantial, such as well befitted the solemn aspect of this quiet resting-place of ten busy generations. The one at the south side, which formed part of the town's defences, stood higher than the others, and had loop-holes here and there. A portion of this remained until a recent time, and it was an interesting memorial of the old fortifications. The one at the west—which yet stands almost entire—is of an ornamental character, being arcaded in well-designed arches, and surmounted by a massive coping.

1604. Aug. 17.

After the Gray Friars' yard came into possession of the town, the crafts used it as their place of meeting, for which privilege they paid the Council the annual sum of five pounds twelve shillings, and during two centuries they met among the graves to discuss and settle their affairs—each craft in its own allotment; and when the nine gathered in convention, it was round a central tomb, which, in the language of their minutes, was called the Stone.[1] These assemblages within the burial ground originated its singular designation of the Howff, a term which signifies a haunt, as in an alehouse. The name first occurs in the minutes of the baker craft in 1576, at which time that body met on the ground, and wisely resolved to discountenance assembling and drinking in taverns[2]—a proceeding which was followed by the other crafts, and the popular name of the old resort became associated with the new meeting place. In 1611, the word was adopted in the Council register, and the gathering place of the crafts is subsequently denominated "the Howff," instead of "the common burial."

[1] Warden's Burgh Laws, 265, 272.

[2] "The Deacon, with consent of his counsell, met in the Howff, and ordainit in all tymes coming that the Deacon sall not tak upon hand to consume or spend ony silver in ony taverns, aither upon ale or for wine, pertening to the common gude of the craft. And for observation heirof, the said counsell subscrivit the act."—Ibid. 341. The designation of "the Howff" occurs in the marginal title of an "act of Head Court," dated 1566, printed by Mr. Warden; but this has probably been added by the early transcriber, for in the Town Council register itself that act is left without a title.

The Howff contains many interesting memorials of old Dundee worthies. Epitaphs usually tell us only of the virtues and of the graces; but some quaint bits of burghal history and touching incidents of domestic life are told in these records of "godlie and honest men," and "famous and prudent women," which give us curious glimpses into the inner ways of a ruder and a simpler time. The elaborate sculpture upon some of the stones is generally fantastic, is often grotesque, it seldom is beautiful, perhaps never artistic, yet it presents many rare devices, such as the badges of a craft, the insignia of a guild, the arms of an old family, or the emblems of the mysteries of life and of death—conceits which we may not appreciate, or perhaps cannot understand, but which are of great interest as illustrating the domestic concerns, or representing the quaint fashions of a distant period. Time has, however, wasted much of the carving upon the old monuments, and many, through neglect, have become ruinous. This should not be. These records of the dead ought to be saved as far as possible from decay. Curious as many of them are, their antiquarian interest is only a small part of their value; for some are memorials of patriots who have aided in establishing the liberties which we prize, by giving good counsel for the commonweal in its time of peril, or by shedding their blood in its defence; and others are of worthy burgesses who have earned our grateful regard by devising beneficent works, which yet do the burgh real service, and will remain as profitable examples for the emulation of good men in later times.

TOWER OF ST. MARY'S CHURCH.

The western tower of St. Mary's Church, which is all that now remains of the once beautiful pile, by its simple and massive grandeur, and its association with important events, holds a position of almost unique interest among such structures. The architect admires the symmetry of its bulk and the delicacy of its enrichment, the stately sweep of its vaulting, and the elaborate tracery of its shapely windows

and curious parapets, while the annalist looks upon it as a record in stone not only of the evil time of arbitrary rule and stern bigotry, but also of that better season when galling despotism had given place to genial freedom, and weak superstition had become clearer faith—a record and a witness of the story of the old burgh in social changes and in civil growth, as it emerged out of a darker into a brighter day—still standing solemn and grand, as when its bells chimed for matin or for vesper prayer, pealed out curfew time in the peaceful eventide, or with rude and clamorous jangle called the burgers to arms.

There is no certainty regarding the time at which the nave and tower were erected; but, from architectural and other evidence, it may be assumed to have been about the end of the fourteenth century. Froissart relates that when Richard II. invaded the country in 1385, "the English burned Dundee, and spared neither monasteries nor churches, but put all to fire and flame;"[1] and no doubt the church which the Earl of Huntingdon founded was at that time in great part destroyed, and the more stately later pile had then been erected on its site. It is probable that the choir escaped destruction and became incorporated with the new edifice; for, from thenceforth at least, it was the only division of the fabric which the monastery of Lindores, as possessing the original endowments, was held bound to maintain; and we have seen that by the middle of the fifteenth century, and before the whole structure had been completed, its roof was requiring renewal; so we may almost conclude that it had belonged to the older church. When the tower was recently restored by Sir Gilbert Scott, he had the rubble building which filled up its principal window removed and examined with care. This was found to have been laid there at an early period, for the mouldings which it covered over and protected were not in the least degree weather-worn. Imbedded in the masonry were a number of wrought stones, having forms belonging to an earlier architectural period than that wherein the tower was built, which, no doubt, pertained to the original structure, and had been put there for preservation. These were afterwards placed, with other sculptured stones, in the first floor, and remain the only memorials of Earl David's foundation. The church did not sustain any damage from the folly of iconoclastic

[1] Chronicles, II. 53.

mobs at the Reformation, but we know that it, and the tower also, had already been in a ruinous state; for both of them are subsequently enumerated amongst the buildings which were "brint and cassin down be England" twelve years before that time. The injury sustained by the latter had been mostly in its superstructure. Doubts have been expressed as to whether a lantern had originally surmounted it, but this may now be held as quite verified. Sir Gilbert Scott, during the progress of the restoration, made himself master of its details, and by a carefully executed plan of the top placed in comparison with those of St. Giles in Edinburgh and St. Nicholas in Newcastle, established conclusively that it was designed to be finished, as these towers are, with open arches of stone; and that such decorated arches were at first placed over it, and not the present cape-house, cannot indeed be questioned. We know that some other similar erections required to be removed because they had become unsafe; and this, no doubt, was the case with what remained undestroyed of St. Mary's, and the materials so conveniently at hand had then been used in building the plain and curious little house which now, not inappropriately, covers the head of the tower. That the stones with which this upper structure is erected were worked at the same time as those lower down, is apparent from the masons' marks, which are similar on both; that they were not laid at the same time with the same care is evident, for the thin pieces with which masons level their building, here are of slate, and below are oyster shells; and that many of them were prepared for other and finished work is obvious, for they have splays and mouldings altogether unsuited for being laid in a plain ashlar wall. Before the removal of the lantern, there had been a low-pitched roof—probably covered with lead—which the parapet concealed, and the position and slope of this are yet indicated by the ports in the walls where the main beams rested. The turnpike stair, from its position, would have spoiled the effect of the fine open arches, so it had not originally been carried higher than the story below, and the leads would be reached by an internal communication.

1564. Oct. 6. From the records we learn the time at which the reconstruction of the upper part was proposed:—"The quhilk day it is ordanit that the kirkmaster with all diligence put up ane ruiff upon the steeple, quhilk

sall be allowit to him in his compts;" and it was probably completed in 1570, when James Panton was instructed "to pay his Lambmes quarter mail to James Lovell for the reparation and theiking[1] of the steeple."

It had likely been about this time that the tower was first fortified and armed with artillery. The isolated position which it occupied after the destruction and removal of the nave of the church, would make it a stronger point of defence, and give it more effective command, not only of distant places, but also over the immediate neighbourhood. The heavier guns had probably been placed in the windows, and the lighter ones upon the upper platform. The cape-house, which has a fireplace within it, had no doubt been intended for the protection of those engaged in the outlook and defence. To give them easier access, the turret stair had been heightened so as to lead to the top; but this addition was not made in a substantial manner corresponding to the rest of the tower, for it appears to have been of timber. The lower floor was for some time used as a prison, where men convicted of immoral offences remained "upon bread and water, and nane were allowed to enter in to bear them company;" but it was found to be very incommodious for that effect, and "ane new prison was biggit above the vault of St. Andrew's aisle, in the east end of the kirk."

At the time when England was making preparations to resist the Spanish Armada, and the people of Scotland were also under arms and keeping watch and ward, the Dundee burgesses appear to have placed some dependence upon the stalwart strength and dominating position of the old tower. The Council, "understanding the gude and thankful service done be Patrick Ramsay, smith, and his gude attendance on the steeple in time of troubles, and in respect of the present appearand troubles, nominated and appointit him to have the order and charge of the ordinance being in the steeple, under Thomas Davidson, the principal master thereof, and to be gunner in all time coming." For this, "they inlairgit his stipend to twenty pounds;" and subsequently they "exemit him fra all taxation, providing that he baith day and nicht attended upon the town's ordinance being in the steeple." Having afterwards resolved upon renewing the armament, they instructed the

1588. Aug. 7.

1589-90. Mar. 24.

[1] Roofing.

Dean of Guild "to sell the auld pieces callit heidsticks being in the steeple to the gritest avail, and wair and bestow the money gotten therefor upon sufficient yetling ordinance to the common use of the burgh." Headsticks were a description of guns which had become antiquated, and these being probably of brass, the old material would pay for the cost of the new cast-iron ones. Some improvement was effected on the top of the turnpike. Patrick Ramsay, the gunner, who had now got charge of the clock, made "a weathercock and put it upon the pricket on the steeple head, also repairing the same, and making it mair substantious;" for which he was rewarded with the grant of a burgess-ship, and the treasurer was instructed "to receive ony person he sall present to the lockit buik."

1607. JULY 16. Notwithstanding his good services, Patrick did not escape aspersion, "information having been made to the Provost and Bailies that he, be himself or his servants, had causit hew out certain bolts of iron-wark furth of the battleing and uther pairts of the steeple, and had applyit the same to his awn use;" and this having "come to his ears," he made a complaint of the "grite slaunder," and desired that there should be an investigation. So some of the Council were appointed "to visit the steeple in all pairts thereof, and report quhat they find to have been done be Patrick that may verifie" the charge; and they having made the inspection, returned and "declarit that they had very exquisitely visitit and tryit the haill pairts of the steeple gif there were ony iron-wark lately hewn out thereof be ony person, and could na way find or try that there is ony taken furth thir mony years bygane; and that, sa far as they can see or try, Patrick hes been very unjustly and wrangously slanderit therefor. In respect of the quhilk" report, the Council "declairit him to be free and innocent."

After the turret head was strengthened, we do not find for long any further mention of its defects; but troublous times came again, 1643. FEB. 7. and the Council having looked to their defences, "concludit that the turne-pyk upon the steeple be presently repaired—and that with stonework; and for that effect" they gave "commission to the Bailies and the treasurer to agree with John Mylne, master-mason; and instructed them to report next Council day." Nothing was, however, done until the following year, after the Marquis of Montrose had begun his dash-

ing career, and was threatening the covenanting borrows towns with fire and sword; and then—when the great cavalier, with his wild Highland host, was almost at their gates, and they were raising levies of men, and strengthening the ports and the walls—they put the old tower in order. "The Bailies declared that having upliftit from the brewers of ale within the burgh two hundred dollars, they had resolved to employ the same upon two rounds to be built upon the steeple, and had for that effect agreeit with John Mylne to give him eight hundred merks for the same, for the quhilk he was to furnish all necessaries, scaffoling, and all except iron-work; and for the ground and sole of these rounds, the said John would refer himself to the Council's discretion." And John "compeired, and acknowledged the haill particulars, and acted himself for the performance of the same at the fardest before the second day of Februar, 1645."

1644. Aug. 13.

John Mylne, who belonged to a family that through several generations produced master-masons of eminence, made the addition of these two rounds upon the stair, and erected the small spire in such a manner as to harmonise with, and, as it were, complete the building. Billings, in describing the tower, says, that in his opinion "it is the unbroken form of the external line of the octagonal staircase from base to summit, and the frequent repetition of its loop windows, that give an air of loftiness to the mass." The structure afterwards suffered injury from fire and assault, and it became much wasted by time; but the recent careful and judicious restoration has preserved the fine details of the old mason-work from inevitable ruin, and St. Mary's tower will long remain in venerable beauty, an object of local pride and of general interest.[1]

[1] Perhaps this expression should be qualified. When Ex-President Grant visited Dundee to see the Tay Bridge, his carriage stopped for some minutes in the Nethergate, during which time I was introduced to, and conversed with him—if any kind of colloquy with one so taciturn can be called conversation. Having soon been almost "gravelled for lack of matter," I caught at the church tower which stood near by, and said, "Here is an old structure about which there is considerable interest." The General replied by slowly turning round his head until his eyes reached the steeple, and then turned it back again—that was all. Clearly he does not attach much value to mediæval towers.

THE TOWN WALLS AND PORTS.

Until nearly the end of the sixteenth century the town was without the protection of a surrounding wall. Before that time, the streets leading outward had ports or gates upon them, but the line of the boundary was only fortified by the dykes and the doors which enclosed the open ground or headrooms of the adjoining houses. The burgesses were enjoined to maintain their walls in good order, so as to make them a substantial protection; and those having dwellings along the river side—where surreptitious entrance by water could easily be made —were in especial required to have their enclosures sufficient. "James Young, possessor of ane yaird lying in the Seagait, pertening to David Ogilvy," was instructed "to big up the Wynd or Vennel between the yaird and" the next "land, and mak the same close; and in case David refuses to pay quhat expenses he maks thereupon," the same "sall be allowit to him in the mail of the yaird, [which he shall nominally] bruik at the auld mail unto the time he be payit of his debursing; and this because it is perfectly knawn to the Bailies that the land and yaird are debt-bound for uptaking of the said Vennel in all times of pest and weir." It was besides ordained "that all vennels and wynds on the south side of the Seagait that hes na sufficient ports or yetts, be steikit and made close in time coming;" and further, "that all back dykes" within the burgh "be biggit up, and repairit sufficiently quhair the same are decayit or broken down, and that the back yetts of every tenement be made sufficient with locks, bands, and uther necessaries, and closit every nicht under the pain of forty shillings of every neighbour, awner of the said dykes and yetts, sa aft as they be fund insufficient or standing open. And gif it beis found that ony persons clyme over the dykes, they sall be put in ward till they pay eight shillings, to be applyit to the kirk wark." When the country was stricken with plague, and there was dread lest the contagion should reach the town, "the haill back yetts" were ordered "to be closit up and haldin fast" at all times, "and na neighbours to suffer ony passage

1566. Sept. 24.

1582. Oct. 1.

to be at their back yetts, under the pain of deid, conform to his Majesty's proclamation."

1568-9. Jan. 21. The Council resolved "that the Murraygait Port be repairit and biggit with all possible diligence be the treasurer, with the assistance of Bailie Findlason, and that the money and unlaws appointit thereto be tollit and inbrocht for repairing thereof." But for some cause the work was not proceeded with at that time, although a house had been demolished to make way for it. They, however, agreed "to infeft the owner—John Stell's wyffe," who was "heir of her last husband—in ane annual of ten merks, ay and quhill the town big and repair the house at the Murraygait Port as guid as it wes the time quhen it wes cassin down." The new Port was not erected until the general strengthening of the defences of the burgh, nearly twenty years later. It appears to have been a structure of considerable importance, and to have had three archways. The one end rested on the angle formed by the junction of the Cowgate, beside where John Stell's wife's house had been, and where a public well was placed toward the end of last century; and the other stood up against "Andro Masson's heirs' land, benorth the Port," at the place where Panmure Street is now. The owners of this house alleged that it had been injured by the building, and they claimed compensation, and received certain concessions which

1588. Ap. 22. probably satisfied them. "The Council acknowledged the gavel betwix the town's tenement at the Murraygait Port and the tenement of the heirs of umquhill Andro Masson, cordiner, to pertene in haill to them, notwithstanding of the town's privilege be the adjoining of the new Port thereto; and therefore, gif it sall happen the town to raise ony new wark upon the pend[1] that putts[2] to the said gavel, they obliged them to raise the gavel therewith upon the town's expenses, in sic manner as may maist conveniently ease the possessors of Andro's tenement; and for forder gratification, tolerated them to occupy the town's yaird at the back of their tenement for the payment of twenty shillings yearly." When the erection was completed, the treasurer received instructions "to cause hing [the gates of] the Murraygait Port, and mak the expenses thereof upon the tolbuith rents; and if the same should not serve, the Council obliged them to relieve him;" and they

[1] Arch. [2] Abuts.

"disponit to Robert Bawand and Patrick Lowrie, masons, ane burgess-ship in recompense of their bounty and skayth sustenit in the town's wark, in bigging of the Murraygait Port; and agreed that the persons presentit be them be insert in the lockit buik."

1588. Oct. 5. It was at this time that the Friar Wynd Port was ordained to "be instantly removit fra the place quhair it stands, and placit mair inwardlie, æquallie with the middle dykes upon the south side of the Convent yairds." If the structure which was then built on the Friar (or Burial) Wynd had remained until the present day, it would have been reckoned a very interesting memorial of the old fortifications, as it was sufficiently large and elevated to contain an apartment above the archway, which was appropriated to the keeper during peaceful seasons, and was used as a guard-house when there was occasion for watch and ward. It probably presented an aspect similar to that of some quaint erections yet to be seen in old English towns—the Bars of York, for instance, which so strangely carry their grim antique features over the commonplace bustle of modern streets.[1] After it was built, "the Council set to William Auchenleck that house above the Friar Port for the space of his lifetime, for the quhilk cause he [became bound] to continually close and open the Port at the appointit hours; and likeways to cause hald the Burial Wynd clean in all pairts on his awn chairges; and gif it sall happen the town and their adois to require watching and guarding, to have the house ready to the town's service as they please appoint." Restrictions were imposed upon the use of this gateway. "In all time coming the Friar Port sall be haldin closit, and the wicket thereof only open; and in case neighbours have to do with the carriage of fulzie furth thereat, the awner of the fulzie sall hald ane keeper at the Port continually during the said space, and be answerable therefor; and this to be intimate to William Auchenleck, the keeper."

1590-1. Jan. 12.

The keeper was probably an old soldier, regarding whom we find

[1] Changes are going on even amongst these. I was standing one day beneath the Monk Bar, when a man well advanced in years, seeing that I was a stranger, came up to tell me about it and the other curious gates. I thanked him, and said that I had found York to be a most interesting old city. "Ah! sir," he replied, shaking his head very sadly, "It is not nearly so old as it was when I was young."

some particulars in the records of the Privy Council. In 1572, "William Auchenleck, burgess of Dundee, gave in ane supplication to John, Earl of Mar, Regent of the Realm," shewing that he "wes shot with ane greit bullet throw the bane of his leg in his Grace's service, and thereby mutilat and made unable to win his living among his neighbours and brether of Dundee;" and, in answer, he received an order on James Lovell, customar of the burgh, "to pay him forty pounds of the readiest customs—as the ordinance made upon the back of the supplication, subscrivit be the Regent, purports." But he "nevertheless never had gat nor could obtene na payment thereof, notwithstanding that he, his wyiff, and bairns were in greit poverty and misery for lack of their sustentation;" and therefore, after the death of Mar, he petitioned Regent Morton to enforce Lovell to pay the money "conform to the command given to him of before."[1] Morton gave instructions for this being done; but it is likely that the lame soldier had never been paid, and that the Town Council, in recognition of his claim, provided him with the house upon the Friar Wynd Port.

1591. Oct. 12. The Overgate was the most important western access to the town, and its gateway, which stood at the Long Wynd, was also substantially rebuilt. "The Council ordanit the West Port of Argylesgait to be instantly of new biggit and repairit in maist honest form, and instructed the treasurer with all diligence to provide materials therefor, and be the sicht of William Duncan, Bailie, to appoint with masons for the bigging thereof."

1591-2. Jan. 17. In order to provide money for these erections, Bailie Duncan was made "collector of all unlaws of bluids and troublance, quhilk unlaws were appointit to the reparation of the common warks within the burgh; and it was ordanit that he sall have power, be the advice of the remanent Bailies, to modifie the penalties according to the estate, ability, and condition of the parties convict." The very unusual power thus conferred upon Bailie Duncan, shows that the Council placed much confidence in his ability and judgment. He had already, in 1584 and 1585, represented the burgh in Parliament; and subsequently was called upon to fill other important offices. In 1605, when he was nominated Bailie, "he allegit that he aucht not to be elected, because

[1] Reg. Privy Council, II. 245.

it is of veritie that a grite pairt of the year preceding he usit the Provost's office as depute to Sir James Scrymgeour, during the time of his remaining furth of the realm in England, and sa can nocht be burdenit with ony office inferior to the Provost's, according to the custom of the best reformit borrows; and protested for remeid gif he be elected Bailie." In 1609, after the Council had succeeded in displacing Sir James Scrymgeour, William Duncan, as being the foremost burgess, was appointed Provost; and he filled the office with much honour, and reached to good estate. He was the worthy progenitor of the Duncans of Lundie, and of the hero of Camperdown.

The Nethergate Port, which was situated at the lower end of the Long Wynd, could not have had much traffic passing through it, as the road led only to the Magdalen Geir—the highway to the Carse of Gowrie being then by the Hawkhill. It is referred to as the Nethergait Barress, which was the name given to a barrier of heavy palisades set in the ground, usually having a guarded door. Such erections were sometimes raised in emergencies at other places, and also beyond the stone Ports for an outer line of defence. We find at one time that Richard Wedderburn's servant delivered a number of trees to be used for a like purpose; and at another, that a barrier erected for protection against some imminent danger, had been carried off surreptitiously; and that the treasurer was instructed "to tak trial quha took down the barress lately [put up] in time of trouble, and to quhat use the same wes applyit."

Although the Port upon the Murraygate placed both the Cowgate and the Wellgate beyond the line of defence, these roads were not in any sense outside of the burgh, there being already a number of houses upon both of them. The owners of those on the Cowgate had been bound to pave the street; but instead, they had enclosed and appropriated part of the ground in front of them; and it was enacted "that the Cowgait be calsayit be the persons debt-bound thereto, beginning at the east end, and so soudwart [westwart?] to Our Lady Wynd," (afterwards called Fintrey's Wynd, now Sugar House Wynd,) "and gif the said persons begin nocht the same within ten days next efter the date hereof, their head dykes sall be cassin down, and sa meikle as they have of the town's calsay sall be appropriatit to the town in time

1566. Oct. 4.

coming." They did not obey the order, and instructions were given "that all dykes biggit on the Cowgait land upon the common gait of the burgh, be ony persons furth of their awn bounds, be demolishit and cassin down, and the town restorit to their awn privileges and liberties." Before the end of the sixteenth century, a Port, which had probably been only a barress, was erected about the east end of the Cowgate. This had not been reckoned of much importance; for, in 1603, when there was dread of plague, instructions were given "that the Nethergait and Cowgait Ports be closit and na way openit," whilst the others were carefully guarded; and it was not considered a substantial defence; for, when the town was threatened with a siege, the houses standing upon the Cowgate were ordered to be demolished, as being at the command of the enemy, and likely to afford him shelter.

The Wellgate Port, which had probably also been a barress, stood near the upper end of that thoroughfare. This position was reckoned of some consequence, as being the frontier defence against the Rotten Row, or Hilltown of Dudhope, the inhabitants of which were a constant source of trouble to the burgesses; for, under the protection of the Scrymgeours, they had assumed to be an independent community, with the right of governing themselves and carrying on their own industries, without regard either to the authority of burghal rule, or the privileges of the burghal crafts. At one time the gate was in charge of an unfaithful warder. "The Council convicted Thomas Paterson, bonnet-maker, in the opening of the Wellgait Port under silence of nicht, and also in the time of preaching, he being specially prohibited to open the same; and therefore ordained him to be wardit in the steeple twenty days on bread and water, and thairefter to be banished the burgh perpetually."

1590. Ap. 12.

The East Port, which stood in the Seagate, near to Our Lady Wynd,[1] seems to have been an erection of some strength, surmounted by a parapet, to which there was access by a turret stair. As the Seagate was the direct approach into the town from the river and sea coast, there would be considerable traffic through the Port, and we have seen that in one respect this was of an exceptional nature, for while

[1] In Crawford's map of 1776, the place of the East Port is marked farther east the Seagate, at the point where the extended circuit of the wall had crossed the street.

the others were not allowed to be opened during the time of preaching, "the keepers of the fish market" were instructed "to pass ilk Sunday to the East Port, and receive the cadgers only in at the same that bring fish to be sauld in the market."

There is no other gate than this one which corresponds to the description given by John Knox of the place where George Wishart preached to the sick and the whole in 1544, at the time "the plague of pestilence rose and was so vehement that it past almost credibility:"—When the reformer heard of the affliction, "he said, 'They are now in trouble and need comfort;'" and passing to Dundee, "he delayed no time, but even upon the morrow gave signification that he would preach; and because the most part were either sick, or else were in company with those that were sick, he chused the head of the East Port of the town for his preaching place, and so the whole stood or sat within, the sick and suspected without the gate;" and he spake words of hope "that raised up the hearts of all that heard him." Besides preaching there, "he spared not to visit them that lay in the very extremity, he comforted them as he could, being such a multitude; and caused minister all things necessary to those that could use meat or drink," so that "the poor was no more neglected than the rich." One day as Wishart descended from the Port, a wretched priest "stood waiting at the foot of the steps," of purpose to assassinate him; but the bravo was seized, "and the noise rising, and coming to the ears of the sick, they cried, 'Deliver the traitor to us, or else we will take him by force.' And so they burst in at the gate."[1] But the preacher restrained them, and dismissed the man. The "Sickmen's Yairds," where the plague-stricken and the suspected were secluded, lay beyond Black's Croft, beside the Rood Yard, but there was then a piece of unappropriated ground near the East Port upon which—there being such a multitude—the sufferers would probably be encamped. This is described in 1581 as "the town's property betwix the Buttir burn and Seagait and Cowgait Ports;" and a part of it, called "these waste bounds at the Seagait and Cowgait Ports," was let in 1628 to Bailie Kyd for the space of five years, at ten pounds yearly.

The Port yet standing in the Cowgate—which, because of its

[1] Knox's History of the Reformation, 94-95.

association with the honoured name of George Wishart, only was left when some of the others were demolished—really can not be identified as his preaching place, and should not carry the inscription which has been recently put over its archway; for it formed a part of the extended line of defence which was constructed long after the reformer's day. It is, however, an interesting fragment of the fortifications, and should be preserved as a memorial of those rude days when the burgesses had to keep watch and ward, and were hemmed in by stone walls and oaken doors; and which may recall to mind that simpler patriarchal

1568-9. Jan. 21. time when it was ordained "that the Ports be ilk Saturday at even be ten hours closit and steikit, and nocht openit upon the Sunday until four efternoon," and then "only the wickets thereof to be openit;" when, for "the better keeping of the burgh in the nicht season," it was concluded "that the haill inner Ports nichtlie be closit, and that efter this hour, in all time coming, the Bailies of the quarters keep the keys

1591. Dec. 28. of the same and be answerable therefor;" and when, for the suppression of disorder, "all the keepers of all the Ports" were instructed "how soon they hear of ony tumult, to close the Ports and suffer na person to pass furth thereat, under the pain of banishment."

The defences of the back dykes and yetts were found to be insufficient protection; and, the King's authority having been obtained, "the

1591-2. Feb. 16. Council concludit that the town sall be fortified be ane wall, according to his Majesty's licence grantit to that effect; and for this purpose they nominated William Duncan" and others "to convene and advise anent the form and mean how the same sall be maist commodiously biggit, to the effect that the neighbours may bear burden therein according to their abilities; and to report their advice and conclusions." In making the erection, advantage appears to have been taken as far as possible of other boundary walls. When David Fleming was building "a house upon the west side of the Wellgait calsay" at the south, he was not only "secludit fra the outputting of all hinging stairs upon the foreface of his fore land in ony time coming," but was also bound and obliged "to big the back dyke of his tenement to serve for the town's wall heirefter, of sic heicht, thickness, and breid as the Council sall appoint."

The wall which was then built, although it could not have been considered a regular fortification, had without doubt materially strength-

ened the defences of the town. It was carried round from the river side to the Ports already made—by the line of Sea Wynd to the Nethergate, by the Long Wynd to the Overgate, from thence passing about and enclosing the Corbie hill—upon which there was a fort—by the Ward Road eastward to the Friar Wynd Port, and round by the south side of the Howff on to where Panmure Street is now, at which point there was a fortified position. When the Council, in 1621, "set in feu ferm to Alexander Hill, smith, the common houses with the yaird thereof, lying upon the west side of the Wellgait, next to the Murraygait Port," the boundary of the property at the west was defined to be "the town's blockhouse at the meadow." This defensive work, which appears to have stood forward from the angle of the wall, afterwards received the designation of the Lion's Round, under which name it is shewn on Crawford's map, and it is described in "Dundee Delineated" as being one of the ancient forts of the town. From the Murraygate Port the original line of the wall would seem to have been led by the south side of the Cowgate, and down Our Lady Wynd to the East Port in the Seagate, and from thence on to the river side. A ditch, supplied from the burn, was carried round the circuit of the wall, but this being of limited size, it could have added little to the strength of the defences. At the time of the great civil war, its course was, however, much improved and deepened.

THE HOSPITAL.

The Monastery of the Trinity Friars, which stood between the Nethergate and the river bank, in the hollow designated the Monk's Holm, received in 1390, from Sir James Lindesay, one of the Crawford family, a grant of his tenement which adjoined it on the west, to be an Hospital, or "Maison Dieu for the support of the sick, old, and infirm persons therein dwelling by his appointment." The Friars from thenceforward seem to have devoted the place to such charitable use,

and for its maintenance good men devised further endowments. When the Reformation came and swept away almost all the foundations which were identified with the old Church, the Almshouse fortunately escaped undemolished, and, with some portion of its revenues, came into the hands of the Town Council. The income that remained was
1567. Oct. 7. insufficient to support the poor brethren, and for its augmentation they resolved "that twa shillings of all unlaws of ony wrangs done be ony manner of person, be disponit to the puir, and that every day in judgement the puirs' box sall be presented for collecting thereof, and that the person offending depart nocht out of the tolbuith until he pay the unlaw; and that the Almshouse master have the key of the box." Small legacies were sometimes offered for the same purpose. They "acceptit the soum of seven merks restand awand to the Hospital be Cristian Blair, relict of umquhile John Smail, to be uptaken fra her quhen they think expedient."

After Queen Mary granted to the burgh the manor places, orchards, and rents which formerly pertained to the Black and Gray Friars, and to the nuns called Gray Sisters, to be employed for pious and good
1569. purposes, and "for the uphald of the ministrie," the Council—wisely judging that the support of "the puir, decayit, honest persons placit in the Hospital or Almshouse is ane pairt and portion of the ministrie of the burgh," and these being "utterly destitute of ony sufficient rent to sustain them"—disponed perpetually to the master of the Hospital for behoof of "the puir quhilk sall be placit thereintil," the grant which the town had received "of the haill places, yairds, crofts, and acres of land;" and gave him possession of all the writs of "the Queen's donations made to the uphald of the Hospital." He was, however, unable to obtain hold of all the emoluments and rents conveyed by the grant —"some particular persons persevering to have interest and possession
1580. of ane grite pairt thereof"—but efforts were made to realize them.
Oct. 4. The Black Friars' crofts and yards were ordered to be rouped, and it was enacted that "all persons debt-bound for rent to the Almshouse sall mak thankful payment to the master, to the effect the decayit honest men thereof may be sustenit; and that quha failzies" for three months, "sall be poyndit, and their poynds comprisit upon ane day in the oulk, and quha comes nocht that day to outred his poynd sall

want it for ever, and the Hospital master never haldin to mak him farder compt thereof." Although the rents of the Queen's donation thus became vested in the Hospital, and were collected ostensibly for its use, yet we find that they were really in great part applied to the other purposes of the grant—especially to the support of the ministers and the services of the Church.

The "persons persevering to have possession" of the endowments, were James Scrymgeour of Dudhope, and David, Earl of Crawford. The former kept hold of certain lands and altarages, which his predecessors appear to have seized masterfully—although, when he was Provost in 1588, he restored "his third part of the town meadow" on terms which the Council thought reasonable; and the latter laid claim to the lands of the Gray Friars, in virtue of a disposition which he alleged had been granted to his father by that fraternity previous to the dissolution of the monastery. To get rid of these claimants, the Council, in 1587, resolved to solicit the Estates for confirmation of the charter of Queen Mary, upon which their title to the lands and annual-rents depended. The Earl of Crawford having obtained knowledge of this, he presented a petition to Parliament, shewing "that be ane charter of alienation, John Fergussoun, Provincial of the Gray Friars of Dundee, with the consent of the rest of the friars of that place, annaleit to his umquhile father, all their yairds, tofts, crofts, and meadows lying on the north side of the burgh, given to them of before be his predecessors," and of which alienation "his father obtained confirmation—quhilk is ready to be producit;" and he being informed that the burgesses wanted to have their gift of the Friars' lands confirmed, "and thereby to tak fra him his rights, he desired the titles to be sichtit so that it may be knawn quhilk of them hes the best right; and also that he may be heard in presence afore ony furder voting in the matter." In answer, the Estates "ordained that the Earl be heard on the desires of his supplication how soon the town of Dundee suits for confirmation of the gift of the Friar lands."[1]

No farther action regarding the matter was taken before Parliament, but the Council and Crawford continued the contest for possession. The master of the Hospital was instructed "to call upon the possessors 1591. Oct. 12.

[1] Act. Par., III. 474.

of all the Friar meadows and uther common lands belanging to the Hospital, for production of their richts thereof, to the effect the same may be seen and considerit;" but no admissable title was produced, and the Council ordered "the Friars' crofts occupeit be David Abirdene, the Black Friars' Acre occupeit be John Rattray, and the Almshouse yaird occupeit be David Duncan, with the meadow occupeit be Mr. John Lovell, to be instantly roupit for five years." Lovell claimed to have tangible authority for his holding—no doubt in virtue of a grant from Lord Crawford; but when the day of rouping arrived, "he renuncit and simpliciter demittit all richt, title, interest, and claim of right, property, kindness, and possession quhilk he had, hes, or ony way may pretend to have to that meadow occupeit be him now appertening to the Hospital lying upon the south side of St. Francis' well croft;" and the Council then "set of new in tack to him the foresaid meadow for seven years for the yearly payment of forty shillings." The "Almshouse yaird was set for the yearly mail of seven pounds six shillings eight pennies; providing the occupiers thereof also find herbs in symmer to the house, and deliver in wynter the half of the kale that grows in the same to the persons being therein."

Although we do not know if the Earl of Crawford produced the title by which he claimed possession of the Gray Friar lands, we may assume that it had been of a substantial character, and was perhaps confirmed by the Queen, who held his father in favour; for, in 1594, the Council and he settled the controversy by a compromise, under which they paid him 1800 merks, and he granted to the Hospital a disposition of all his rights. No arrangement was, however, made with the Scrymgeours, and they continued to hold the altarages for a considerable time.

1598. Oct. 31. It was now resolved, "in consideration of the grite hurt which redounds to the Hospital be the informality of [its income,] quhilk consists chiefly in the burdening of lands and tenements with feu-mails and annual-rents, to revise and renew the rentals thereof." The roll shewed that the Laird of Edzell was bound to pay rent "furth of the lands of Drumcarne and Fymok in Glenesk," but it was not until 1602, that "Sir David Lindesay, Knycht, ane of the Senators of the College of Justice, paid ane hundred pounds for the byruns on an annual rent of

twenty merks awing furth of his lands of Glenesk." This money was paid to the Hospital masters who during their terms of office had been personally charged with the arrears. The Laird of Ewlik was also bound to pay rent "furth of the lands of Montaigo, lying in the Carse of Gowrie," and this was commuted in 1612, "by Alexander, Bishop of Dunkeld, paying the Hospital master three hundred merks for renunciation made be the township in favour of the reverend father, of the annual rent of twenty merks, awing furth of his lands of Montage, lying within the Sheriffdom of Perth; the Hospital master faithfully promising to wair the soum upon ane competent rent to the weill of the Hospital, be the advice of the Council and the ministers."

In the Howff there is a stone with the inscription:—"Here lyes John Goldman, merchant, and Elizabeth Traill, his spouse, quha both depairtit in September, 1607, of his age, 34, of hers, 29." The words are simple, but very expressive, for this was the time when the great plague was making its sorest ravages, and they suggest that these two had probably been seized together by the dreaded enemy. On their deathbed the spouses devised a good work. "Understanding that umquhile John Goldman, merchant, lately left to the puir resident within the Hospital the soum of aucht hundred merks, to be wairit aither upon the redemption of the common lands pertening to the Hospital, or upon ane new rent—the Council, for moving and inciting uthers to leave the like, concludit and ordanit that William Goldman, Bailie," brother and "executor of umquhile John, and his heirs, sall have power to present ane aigit decayit burgess quhom the ministers and session sall find meet and qualifeit to be admittit in the society of the puir resident within the Hospital—he being ane single person naither having bairns nor wyiff, according to the laws made anent the qualities" of those that should be received therein; "and the person being sa presentit and tryit, sall be preferrit to any uthers, and intertenit within the Hospital during his life, except he be deposit for ane notorious crime; and how oft the place vaiks be his decease or deprivation, as oft ane uther sall be presentit of new. At the desire of William, and upon his presentation, James Quhitson, chirurgian, being tryit and found meet in manner foresaid, was received in the Hospital." Thereafter, William, having "advancit for the lawful bairns of Mr.

1609. JULY 11.

Gilbert Ramsay, late reader, ane hundred pounds awing be the town to Mr. Gilbert preceding his decease, the Council dischargit him of twa years' duties of the aucht hundred merks," and he "oblissed him to mak that soum furthcoming at the feast of Whitsunday, 1611, to be wairit for the weill of the Hospital, in manner before written."

1611. JULY 2. In fulfilment of this obligation, and "at the earnest desire of the Council, William payit to the relict and heirs of umquhile George Mudy for the redemption fra them of the twa meadows callit Barrie's meadows, quhilk were annaleit be" the Conncil and Hospital master, "the soum of ane hundred pounds, togidder with ane hundred merks for tacks grantit efter the redemption thereof; and siclyke, he deliverit to the Hospital master the soum of ane hundred and fifty merks, quhilk wes consignit be him in the hands of Mr. David Lindesay, minister, for the redemption of that acre callit the Gray Sister Acre, fra the relict of umquhile Patrick Anderson; and siclyke, he consignit in the hands of the said Mr. David fifty merks to the behoof of Helen Lovell, for the redemption fra her of that meadow pertening to the Hospital callit Lovell's meadow. And because William is bound to mak the soum of aucht hundred merks to be furthcoming and wairit for the redemption of rents, or applyit to the conquest of some new rent," and considering that these sums "are debursit be him for redemption of the meadows quhilk appertene to the Hospital as ane pairt of the patrimony thereof," the Council discharged him of the sum of four hundred and fifty merks. The money placed in the minister's hands for redemption of the Gray Sisters' Acre—which was the ground at the West Port lying between Hawkhill and Scouringburn—was not, however, used for that purpose, as an arrangement was shortly afterwards made by which the bond-holder obtained the property in feu. "Mr. George Anderson payit to the Hospital the soum of fifty merks," which, with the one hundred and fifty his father had lent, was "in complete payment of twa hundred merks in name of grassom for the feu ferm;" and he at the same time "renounced the wodsett of the said Acre grantit to umquhile Patrick, his father." Next year, "William Goldman deliverit four hundred and thirty merks for the heritable conquest of annual-rents extending to threttie merks five shillings, to be upliftit furth of the tenements lying in Makison's Close, upon the south side of the Mealmarket Gait, and

1612. AP. 6.

he mortifeit and disponit the same perpetually to the Hospital; and therefore the Council discharged him of the eight hundred merks left be his brother, umquhile John Goldman, and Elizabeth Traill, his spouse, in their later wills and testaments, for now and ever."

About the end of the sixteenth century, the old Almshouse had become dilapidated, and the roof was in need of reparation; but its income had by this time considerably improved, and a new building was erected better adapted for the accommodation of the inmates. This structure was of considerable size. Slezer's view of the town taken in 1680, and Crawford's in 1776, represent it as the most conspicuous object at the west end, having a long frontage towards the river, with a transverse wing at either end, and a central spire of no great elevation. The fragment of the building which stood until a recent time, had some finely moulded stones—remains of the older house—built into its walls, and there was within it a great arched fireplace, neatly paved with Dutch tiles, round about which the poor brethren had been in use to sit. These "aigit and decayit persons, being single, naither having bairns nor wyiff," appear to have lived in a semi-monastic manner—sleeping in dormitories, and occupying a common dining hall and chapel—as do the inmates of some of the English hospitals yet in existence. The new building was found to be unnecessarily large, and the upper part of the wings was rented to a landward man, probably for storing grain. "The master of the Hospital, with the consent of the Council, sets, and for the pennie mail and duty under written, lets to John Yeaman of Dryburgh, and his sub-tenants of no higher degree nor himself,[1] all and haill those two lofts going along the Hospital or Almshouse, as weill the westmost as the eastmost loft thereof, for the space of five years at fifty merks yearly." 1629. Feb. 17.

During the seventeenth century, several endowments were devised for behoof of the poor, and were applied to the use of the Hospital. One of these, a legacy of one thousand pounds sterling, left by Dr. Robert Johnston of London, was, as we shall see, received in 1642, and

[1] A recess in the west wall of the Howff is inscribed:—"The sepulchre of the family of John Yeaman of Dryburgh, 1628. 'It is uncertain at what place death awaits thee—wait thou for it at every place. Before old age be careful to live well; in old age be careful to die well'—Seneca."

having been well invested, it yields a large revenue, which is now administered as a separate fund; and another of two thousand pounds Scots, "of that money that David Kenaird that dwelt in Cadiz, in Spain, dedicat to the Hospital," was received by the master in 1646. Lord Dudhope resigned the rents, of which the Scrymgeours had possessed themselves, into the hands of the Council, as a peace-offering to help to settle various contentions. "Ane band was producit of the Viscount of Dudhope for mortifeing the haill altarages within the burgh to the Hospital," which ended "that particular controversy betwix the Viscount and the town." These rents were, however, difficult to recover, for the Scrymgeours had put some of them into possession of the minister of Benvie, of whose living they held the patronage. "The Hospital master was ordained presently to poynd and distrenze the readiest goods and gear being upon the ground of sic lands as are liable in payment of the annuals of old addebted to the Hospital," and especially "for sic feu-mails and annual-rents as were payed be any person within the burgh to any chaplainry or altarage belonging the minister of Benvie, now established in the town's parson." Some of the mails which could not be recovered in full were reduced. "Matilda Air, relict of umquhile Captain Walter Renkene, life-renter of a land upon the shore head, [although] now burdenit to the Hospital in place of the minister of Benvie, with four merks yearly, conform to ane old rental, yet notwithstanding, the Council, upon production of ane dischairge granted be Mr. Andro Schipherd, minister at the said kirk, upon" payment of "the half of the said duty, and in respect of the inability of Matilda, dispensit with any more to be upliftit aff and fra her or her tenants during her lifetime, but only twa merks yearly."

1644. Feb. 13.

1649. Oct. 9.

The home of the poor burgesses did not escape from harm during the time of civil broils. When the Marquis of Montrose made his wild raid upon the town, the place being outside the Nethergate Port, was exposed to the fury of his Highlanders, and received such injury by fire that the inmates had to find other shelter; and "it was ordained that those of the Hospital should receive twenty shillings weekly until further course be taken thereanent." The reparation of the house was not speedily effected; for, a number of months afterwards, it was found "that the poor hes wanted their allowance of twenty shillings thir four

1645. Ap. 12.

weeks bygone," and the Hospital master was peremptorily ordered to pay them upon the Saturday following.[1]

Various purchases of property were made for the good of the Almshouse. "The master acquaint the Council that he had agreed with Alexander Hill for ane acre and yaird to the behoof and benefit of the Hospital, quhilk pays in yearly rent fifty merks, and they approved of the bargain and ordered him to perfect the same." At a later time the clerk was instructed "to speak James Cockburn anent the piece land perteining to him, and to report to the Council;" and they afterwards "approved the bargain made with James concerning some houses and yairds lying fore-aganes the Hospital;" and paid him for "his yaird, and barn-yaird, with the dwelling-houses heich and laich," the sum of four hundred and sixty-six pounds thirteen shillings four pennies. 1647. Ap. 27.

In 1686, the Council "considering the prejudice the poor in the Hospital sustain be the want of ane chaplane for praying to them morning and evening, and examining and exhorting them in time of sickness for the good of their souls, (knowing their bodies to be sufficiently cared for,) thought it expedient to provide ane weill qualifeit chaplane;" and they appear to have afterwards continued the appointment, even when the poor brethren had been relegated to houses of their own. The Rev. James Thomson, who filled this office, and was also minister of the Cross Church, (1761-85,) had apartments within the Hospital, and he gives an account of the strange purposes to which its vacant rooms had by that time been appropriated, and of his woful experiences of the amenities of the place, in a curious and now rare book, with the odd title of "Charles and Alectum," purporting to be his memoirs, but really a strange medley of many matters. The worthy man tells a ravelled and pitiful story about being haunted by chimeras dire, in the form of lottery-keepers who turned their wheels, and strollers who exhibited their trained horses within the hall below his apartment, and invaded by thieves and other banditti who gathered about the place, to steal his property, and insult his family; and of how, notwithstanding his resistance and the strenuous efforts of his wife and her

[1] In 1647, the master received—"For auld iron work gotten out of the burnt Hospital sold to Andrew Nicol—most of it, twenty-two pounds ten shillings."

maid in barricading the door, the Provost had a smith to break it open, and introduced a company of soldiers collected from prisons, and so infected with jail fever, that fourteen of them died within the house in ten days; and how the remanent of them practised their discipline, and the little drummers beat their kettle-drums along the hall and galleries contiguous to his apartment, until his servants ran away and his neighbours and acquaintances deserted him. He also narrates being in the midst of other dangers, for the place was only by miracle saved from destruction—once when set on fire by the floorcloth-painters and rope-menders with their oil and pitch-pots; then, by the carpenters who wrought below his rooms day and night; and again, by the military tailors, when there was a store of gunpowder, and he and his family were nearly blown up. The poor man admits that the circumstances about him were sometimes diversified by incidents less discordant, but protests that he felt no gratification at the clatter of trenchers, spoons, and knives at penny wedding feasts; or at the sounds of a base and violin playing suitable dancing tunes; or even at the caterwauling of cats after the rats that haunted the damaged grain that lay in the lofts above him.

The old Almshouse, the quaint resting place of decayed burgesses, stands no longer in its garden of herbs on the sunny slope of the river side, but its endowments have been so well cared for that they now produce a very considerable annual revenue, a portion of which is appropriated for the payment of ministers stipends, and the greater part is administered for the behoof of poor decayed persons, in accordance with the spirit of the royal grant and of the charity which prompted good men long ago to devise their gifts.[1]

[1] The income from Queen Mary's grant is given at page 126 as £2000; this, however, includes what is derived from some other endowments which cannot now be separately identified, and is the revenue of what is denominated the Hospital Fund.

SOME TROUBLESOME WOMEN.

Although the conduct of women in those primitive times was usually most orderly and becoming, it occasionally exhibited an impropriety which exercised the patience of the city fathers. "For evading of grite cummer and trouble that judges sustene at ilk term of Mertimes and Whitsunday, be servants that mak double promise in their feeing to diverse persons, quhairupon follow not only the braking of promise, but also perjury and menswearing; therefore it is ordanit that gif ony servants be fund making double promise heirefter, their haill year's fee sall be payit to the persons wanting service;" and they "sall be put in the cuckstule for the first fault, and gif they be apprehendit falling in that fault theirefter, they sall be banished the burgh for ever." Some had already even then attained to considerable proficiency in scolding—the full catalogue of the various forms of evil speech in which they were reputed to indulge being really startling. "Gif it sall happen ony men's wyiffs or uther women to be heard openly in shameful flyting, reproaching, sclandering, cursing, banning, or making ony horrible imprecations or fearful blasphemies of the name of God betwix them and ony uther persons, then the offenders having money to pay sall stand in ward till they pay forty shillings to the reparation of the common warks, and also sall pass to the Market Croce, or to the place quhair they offendit their neighbours, and upon their knees ask forgiveness. And the person that hes na money to pay, sall be put in the cuckstule be the space of three hours in maist patent time of day, and theirefter satisfie the pairtie in manner foresaid." All the scolds were made to do penance upon their knees, but it was only those without money who had to occupy the seat of derision.

1567. Oct. 7.

1580. Oct. 4.

It may be taken as evidence that wives were usually "buxom and debonair," when we find that special record is made of how Thomas Dey, merchant, was held in sore trouble by the violent and flagitious behaviour of his spouse, Agnes Seiton, who kept him in subjection, and managed his business as she chose. He owned the sixteenth part of

1587. Mar. 12.

the ship called the Robert, "which being enterprised to the Rochell, the remanent owners diverse times requyrit Agnes to outred her husband's pairt to the voyage;" but this she absolutely refused to do, and they had to bear the cost, protesting "that the same be reimbursit them with sic profit as lent money gives." Not long after this, Thomas found that her conduct had become unbearable, and he went to the Council to ask for relief, "and declarit the gryte skaiths, damages, and wrack that he had sustenit in times past be the unvertuous life and prodigal behaviour of Agnes Seiton, his spouse, and seeing na appearance of amendment in her, he desirit them to inhibit all neighbours and persons resident within the burgh, to buy, sell, or intercheinge with her ony guids, geir, or uthers quhatsumever belanging to her or being in her possession." So the Council, pitying the poor man's estate, "found his desire to be reasonable, and ordanit inhibition to be directit in manner foresaid; certifying them quha does in the contrair that the selling or intercheinging to be made be Agnes sall be of na force nor effect, and the money or guids payit or deliverit therefor to be tint and lost to the payers, and Thomas to be again restorit to his awn but ony process of law or payment of ony money therefor."

A LAWLESS COMMENDATOR

When traders carried their goods to distant markets, they usually travelled in company so as to afford each other protection, for reavers were often abroad, and they needed to be wary, and to possess both enterprise and courage. Upon the 25th of August, 1572, "sindrie indwellers of Dundee returning from Barthilmo Fair, believing na evil of ony person, but to have leivit under God's peace and our Soverane Lord's as his Highness' free lieges;" they were met "at the foot of Cairnomonth by George, Commendator of Aberbrothok, accompanyit with a grite nowmer of hagbutters and uthers bodin in feir of weir, who took perforce Robert Jak, David Jak, John Craigtoun, Thomas Rattray and his son, with sindrie their guids and geir, and carried them

away to Aberbrothok, and their detenit them prisoners, till they were constrainit to find caution to enter again as they sould be requirit upon three days warning." And "not content with this wrang and injury," the Commendator, a few days afterwards, "came to Earn mouth, betwix Dundee and Sanct Johnstoun, bodin and accompanyit in manner foresaid, and there perforce took ane boat laden with sindrie merchant guids of Dundee, passing to the market callit Sanct John's Fair, and carried the same away with him," and continued to hold "them in his hands and keeping, to the value of five or six thousand merks, quhairthrow the awners were alluterlie hereit—the same being the maist pairt of the guids they had to win the leiving of themselves, their wyiffs, and childring; and attour, chasit sindrie uther boats being also passing up the water, shot hagbuts and daggs at the persons being therein, and hurt William Gold and diverse uthers, to the effusion of their blude in grite quantity; and thereafter daily and continually awaited asweill for their slauchter as for forder spuilyeing and reiving of their guids and geir."[1]

This masterful spoiler, who does not appear at the time, either in the records of the Privy Council or of Parliament, under any other name than George, was without doubt George Douglas, a natural son of the Earl of Angus, who was Abbot of Arbroath Abbey at the time of its dissolution, and afterwards continued to hold some recognised claim to its benefices which gave him the title of the Postulate, or expectant. He was one of the leading men in the business of murdering Rizzio, and seems to have been usually ready to take part in any profitable lawless enterprise. In 1571, Lord John Hamilton, Commendator of the Abbey, was deprived of that sinecure for rebellion, and Douglas appears to have then got hold of the place, and to have held it at the time he committed these outrages. Provost Haliburton accused him of this lawless "contempt of the Soverane's authority" to Regent Mar, and he was charged "to deliver the guids to the awners, or else to compeir before the Privy Council to answer the complaint and underlie the law." But he did not think it prudent to present himself, and was denounced rebel and put to the horn;[2] after which Hamilton, having received pardon, was restored to the office of Commendator. Douglas was, however, soon

[1] Reg. Privy Council, II. 163. [2] Ibid., II. 164.

again in favour, and although possessing few qualifications, he received preferment in the Church. Melvill says that in 1574, he "was made Bishop Geordie of Moray, whom I saw a haill winter mumbling on his preaching aff his paper every day [at St. Andrews], and had it nocht weill by heart when all was done."[1] The same year, Hamilton raised an action against him for having "spuilyeit furth of the place of Aberbrothok diverse guids and geir," uptaken from "the tenants diverse soums of money," "demolishit and cassin down certain houses of the Abbey," and appropriated the pensions due to the old monks while he held possession as Commendator. But Douglas was able to influence the Privy Council to interrupt the action, and no restitution appears to have taken place.[2]

THE ROTTEN ROW.

The designation Rotten Row, which has been given to certain suburban localities both in England and Scotland, according to Camden, is derived from the word *rotteran*, to muster, and denotes a place whereat the inhabitants of the neighbouring town assembled in arms. If we accept this derivation, we may infer that the name was applied to the slopes of Dudhope because the burgesses of Dundee, when they had occasion, used them as their place of rendezvous. The straggling village upon the hill side, although only just without the walls, was, however, held to be beyond the jurisdiction of the burgh; and, in the course of time, under the fostering care of the Scrymgeours, Constables of the town, its superiors, it grew into some importance as an alien community. The inhabitants were mostly industrious weavers and bonnetmakers, who, following their avocations unrestrained by municipal rule, were able to rival the burghal crafts in the production of
1580-1. woollen fabrics, and in consequence became obnoxious to the deacons,
Jan. 9. and were reckoned to be enemies of the commonweal. The Council denounced them for their encroachments upon the privileges of bur-

[1] Diary, 32. [2] Reg. Privy Council, II. 380.

gesses, and ordained "the acts made anent unfreemen resorting to the town to be put in execution but favour, and in special on them that dwell in the Hill and Rotten Raw, quha, without all order, as if they were freemen, handle with staple guids, in greit defraud of the freemen of the burgh, that do their duty to the King's Majesty for their freedom." The boys belonging to the proscribed quarter overran the town in a lawless manner, and were likewise a source of trouble. "It was ordanit for remeid of the insolent puir youth that hes na uther craft but to steal hedder and to cast stanes, and that fechts and perturbs the burgh mony ways, the maist pairt of them nocht native, but born and coming furth of the Hill and uther landwart places, that the Bailies tak order with the said boys, and that nane of them be sufferit to bear fish in the mercat but they that hes the town's takin,[1] and are of age betwix the years of seven and eleven; and quhat boy beis fund braking this act sall be skurgit through the burgh and banishit for ever." 1581. Oct. 2.

Some of the "bonnetmakers, indwellers of the Hill," made a temporary submission to the burgh, and "acted themselves, ilk ane of them for their awn pairts, to content and pay to the treasurer the soum of five pounds for their simple burgess-ship within the space of ane year and day;" but the weavers continued to weave their illegal webs, and that even with the connivance of some of the townsmen, in defiance of all order. The deacons of the webster and walker crafts came before the Council, "and heavily lamentit, that although they, being burgesses and freemen, watching, warding, and bearing all portable charges, were able to serve our Soverane Lord's inhabitants in all points belanging to their occupation as weill baith in wark and price as ony uther within the realm;" yet, "nocht the less, the maist pairt of the inhabitants daily put their wark in the hands of unfreemen dwelling in landwart and in the suburbs, gadderit from all pairts," who, "being free from ony burden of laws, have greatly increasit in number and substance," and at the very doors of the freemen, "are eating the bread furth of their mouths; and now have begun to tak prentices and to choose deacons, and so erect ane monoply—doing all things and mair than to freemen is lesum, quha are decayit in their number and depauperat in substance, and na mair able to bear burden within the town"—a 1591-2. Jan. 17.

[1] Token, or badge.

decadence which, they declared, would, if not arrested, "bring the estate of burrows in ane confusion, and at last to ane utter decay."

The Council having been ripely advised in this matter, "found the same to be of verity, and they thocht expedient to ordain that na manner of persons, be their wyiffs or servants, carry, send, or deliver their yarn, claith, webs, or uther stuff to be wrocht, made, or dressit be ony webster or walker dwelling within the Rotten Raw and in the suburbs, within half ane mile of the town walls, under pain of escheat of the stuff—the twa pairts to the Hospital, and the thrid to the apprehenders." At the same time they warned the deacons to take heed that the burgh weavers made good cloth; and, "to the effect that the neighbours may be the better movit to put wark in the hands of the freemen," ordained "that gif the wark and stuff be misusit, spilt, or yet retardit, and haldin back and nocht dispatchit," that the deacons themselves "sall content and pay the awners all damage sustenit, and mak satisfaction for slack service besides;" and this at the sicht of ane Bailie or ony ewest of the Council, whether the principal offender be convict or nocht." It was, however, enacted that "in case this ordinance should brede ony reformation," that its stringency might be relaxed, "for eschewing of inconveniences that may fall out thereupon;" and it was "providit that the same may be eikit, pairit, or æstemit[1] as the Council sall think expedient."

1594. JUNE 25. After two years, it was found that "be the slack and negligent execution of the ordinance" against the Hill town weavers, "nocht only are the puir gritlie damniseit—to quha's use the penalties therein contenit are appointit—but also that the nummer of unfreemen websters daily increases be their repairing fra all quarters of the realm to the Rotten Raw," where they are "eating as it war the bread out of the mouths of the freemen," and so "unabling them to bear burden in time coming, gif hand be nocht haldin to the execution of the ordinance." The Council therefore enacted "that the officers of the burgh fortify and assist the deacons in arresting and escheating yarn, webs, claith, or uther stuff passing to or fra the burgh to be wrocht, made, or drest be ony unfreeman dwelling within half ane mile of the burgh."

[1] Considered

But they also assumed jurisdiction over weavers farther off. 1612. "John Barrie, webster in Innerdovat"—a little hamlet amongst the Feb. 11. braes beyond the river—had been in the practice of weaving the yarns spun by Dundee housewives into fabrics for home use—an occupation known even yet in Fife as "customer wark." And he being in the town, probably upon his usual business, was taken before the Bailies and made "to act himself of his awn consent na way be himself, his servants, nor ony uthers, directly or indirectly, to carry furth of the burgh ony yarn—linen or woollen—pertening to ony inhabitants, or to receive fra ony of them or their servants ony yarn to be wrocht be him in webs at ony time heirefter, sa lang as he is nocht ane freeman of the burgh, received to the liberty of the craft, under the pain of ane hundred pounds."

COMMON RIGHTS AT CRAIGIE AND AT THE MAGDALEN GREEN.

The custom formerly followed in Rogation week—which usually falls early in May—of beating or perambulating the bounds of a parish, was in the time of the old Church observed with great religious ceremony. After the Reformation the practice was revived, but with much less show, for the useful purpose of identifying boundaries and public rights, and judging whether any encroachment had been made upon 1582. thoroughfares or commons. At the inauguration of this usage in Ap. 25. Dundee, it was resolved "that the Provost, Bailies, Council, and Deacons of crafts sall every year upon the third day of May, pass through the burgh" and visit "all communities,[1] as weill within as without the ports, and consider gif ony hes broken them, or narrowit the gaits, wynds, vennels, passages, or ony uther privileges, or appropriat ony pairt thereof, or layit ony middens without the ports upon the town's communitie;" and "sall incontinent tak order with the faults and offences done against the common weill, and or they depairt off the ground cast down, repair, and mak remeid thereof."

[1] Common possessions.

The sloping banks on the water side at the east of the town were possessed by the inhabitants through prescription; and in 1540, when Richard Jaksoun, Chaplain of the Chaplainrie of the Virgin in St. Clement's Church, set in feu a part of the church lands of Craigie, he reserved the right and "liberty of the town to the free use of the whole portion between the road and the river, chiefly for the use of the quarries; also, the power of building huts for the infected in time of pest, drawing and drying of fishing nets, and collecting stones to keep roads and ballast ships;" and he likewise reserved to the Church, "free, the Chapel of the Holy Cross, with the cemetry of the same, and the rest of the usages and customs hitherto had and possessed;" and the feuar became bound to make no hindrance either to the Chaplainrie or the town, in the enjoyment of these reservations.[1] At the time of the visitation it was, however, found that some persons had taken possession of these slopes, and were growing crops upon them, so as to prevent the inhabitants from having beneficial use of the ground, and the Council ordained "that the corns quhilk are wrangouslie sawn beneath the gait at the Ruid and uther ground properly appertening" to the burgh, "be trampit down and the lands keepit in ley[2] for the weill of the common salmon fishings and for the lodges to sick folks in time of pest, as they were of before past memorie of man." These lodges were for the seclusion of plague-stricken households, and persons suspected of having caught infection, who, under the threat of dread penalties, were compelled to remain there and await the issue—it might be without either help or sympathy, for the terrors of the pestilence sometimes made men cruel and selfish.

The Council had themselves granted a lease of these grounds, but as their right to them had been called in question, the annual value stood very low upon the rental roll. In 1581, "the land callit the Seikmen's yairds, lying on the east end of Black's Croft, pertening in property to the Hospital, was set for the yearly mail of three pounds six shillings eight pennies;" and "the yaird callit the Chapel Yaird of Sanct John of the Sklaitheuchs, was set for the yearly mail of thirteen shillings six pennies." Subsequently, the grounds were again used for arable purposes, and at the death of a tenant, who had likely also

1605. JAN. 22.

[1] Hay's Charters and Writs of the Burgh, 34. [2] Pasture.

rented the adjoining lands of Craigie, "the lease of the yaird callit the Seikman's Yaird, and the Ruid Yaird, and the haill remanent bounds dykit and occupeit be umquhile Oliver Lindesay," were ordered to be rouped; and at the time of exposure, "George, son and heir of Oliver, willingly renuncit all richt, kindness, and possession quhich he had, hes, or may have to the Seikman's Yaird and crofts lying under the town of Craigie, and gave his gudewill and kindness thereof to James Gourlay, to quhom the same were set, renouncing action against the Council and their tenants at ony time theirefter; and for consideration of his kindness, referrit him to the Council; for quhilk cause they agreed to pay George the soum of auchteen pounds, and this because they considerit that he micht have retenit the possession this crop for the auld mail"—and probably also for other reasons. As the right became better established, the ground began to rise in value, and "the crofts and arable lands occupeit be Patrick Boyd, with Sanct John's kirkyaird, lying under the lands of Craigie," were set at the yearly rent of forty merks pennie mail. 1619. Feb. 2.

The Chapel of St. John of the Slate heuchs, or quarries, which stood upon an eminence to the south of the lonely little burying-ground called the Rood Yard, had obtained its odd designation because the cliff consisted of a gray coloured stone, easily split into layers, which was quarried out and commonly used as slates. For this economic purpose the knoll has long ago been all appropriated, and in consequence the building has disappeared. Besides the title which the inhabitants established to the river bank at the Rood Yard, they claimed to possess, by immemorial usage, a right of way along the water side farther east. This has at different times been called in question, but it would seem to be confirmed by the ancient name which the locality yet bears, the word Stannergate—derived from stanners, river side gravel, and gait, a road—signifying the roadway by the gravelly margin of a river.

None of the water side privileges have been so highly valued as the public right to the fine irregular stretch of undulating sward on the west of the town called the Magdalen Green. This common was, no doubt, in old times a portion of the possessions of a religious house, which, however, could not have been, as is usually surmised, a Convent

of Magdalen nuns, for that sisterhood—formed of fallen women who had become penitent and severely virtuous—was instituted by Pope Leo X., so near to the period of the Reformation that the order could not have been established here, where already the authority of the Roman See was called in question; and there appears to be no record of a Magdalen Convent having existed in Scotland. The probability is that the Green belonged to a Chapel dedicated to the honour of St. Mary Magdalen, which stood, as has been suggested, upon the high ground near to the end of Step Row, where early in this century some sculptured stones were found—a site which would likely be chosen for the position of such a house. After the Reformation, the Magdalen lands were incorporated with the estate of Blackness; but the Green, which had from time immemorial served for common burghal purposes, although its solum became vested in the barony, continued as heretofore to be so used. Not, however, without opposition; for the Laird made sundry attempts to grow crops out of its fertile acres, by sending his ploughs furtively over the turf, and surreptitiously sowing the ground. But to this appropriation the burgesses would not submit, for it was here, when there was occasion, that they now made muster "weill bodin in feir of weir," and that they enjoyed the privilege—as highly prized then as at this day—of having healthful sport and recreation.

1582. Ap. 25. The Council ordained "that our communitie in the Maidlane Geir be observit and keepit in times coming to the use of the town, as it hes been in times bygane past memorie of man; and that all persons arryvers out and destroyers of the same, and in special David Brok, be callit and accusit therefor, and compellit to mak the same as sufficient as it was or they put hand therein." Other tenants and "occupiers of the acres of Blackness" were afterwards convict "in ryving out the town's communitie of the Magdalene Geir within the auld meiths and merches thereof," and were ordained "ilk ane of them to pay ten pounds to the common warks, and to lay over the red ley[1] riven out be them, and restore the same to the auld estate; and for that effect, at the tails of all their rigs to mak ane stayrig[2] upon the auld bounds of the said acres, and na way to transcend the auld merches of the

1591. Dec. 28.

[1] Upturned turf. [2] A cross ridge to stay the plough.

Magdalene Geir in time coming under the pains of being discharged of their libertie and freedom for ever, and declarit mensworn persons publicly at the Mercat Croce."

Notwithstanding this enforcement of the common right, the Laird continued to insist upon his claim of arable possession, and the matter was referred to the Lords of Council and Session, who appear to have given judgment in favour of the town, and ordered that a line of march stones be placed along the northern boundary, beyond which the ploughs of Blackness should not pass. Several of these stones yet remain, having sculptured upon them the lily—the badge of the town—and the date 1619. Others, which were placed at a later time, bear rudely incised crosses—such as masons usually cut upon march stones—which have been popularly held to represent St. Andrew's emblem, and have led to the erroneous notion that the University of St. Andrews holds some manorial right over the common. It was the duty of those who were warned to the annual "reding of the town's merches—under the pain of five pounds to be payit be each absenting himself at the time"—to visit these stones and see that they were standing in their places. In May, 1668, "the Provost made report that the town's merches were redden this day aucht days," and that the visitors "had found one merch stone in the Magdalen Gair out of the way, and had therefore ordained ane other to be put in the place thereof." The inspection of the boundaries continued to be regularly made, and, thanks to the watchfulness of the burgesses, this green spot has been preserved through these later centuries—as it had been before past the memory of man—for the common use of the inhabitants; and it will continue to serve as a breathing place for the healthful recreation of generations to come.

It will be observed that the denomination of this common in these records is Geir or Gair, by which name it was known until times quite recent; but the meaning of the word having become forgotten, towards the end of the last century it was corrupted into Guard, and afterwards, Yard—which was adopted as being sufficiently distinctive, and it, or its equivalent Green, is now commonly used. The old word has, however, a most characteristic significance; Geir, in connection with dress, denoting a piece of cloth of unequal width, and commonly of a different colour,

inserted into a garment; and, as applied to land, signifying, according to Jamieson, a slip of tender fertile grass in a barren situation. Our ancestors did not use unmeaning words, and this description seems to suit so well the situation of the Green, lying along the rocky foreshore, that the old term Magdalen Geir should without doubt be accepted as its proper designation.[1] The point of black rock which projects into the river, and whereon the Tay Bridge takes its first step across, was anciently called the Black Ness or headland, and from this the estate no doubt derived its name; but the term has been for long disused, and in recent times Buckingham Point has mysteriously become substituted, not only on the ordinance maps, but also in local nomenclature. The genesis of this name may prove a pretty puzzle to future antiquaries, but the explanation of its origin is really simple enough, and serves to illustrate how an unmeaning word may come to substitute one of significance. When the first bill for making a railway between Dundee and Perth came before a Committee of the House of Lords, the engineer's plan shewed the line cutting across an unnamed headland, and a member having made inquiry regarding it, he was assured that the point had no name. "Ah!" said he, "this must be remedied; we will call it after the Duke, our Chairman;" and it was then written down Buckingham Point, and so it has continued.

THE MARKET CROSS.

Stone crosses were erected in burghs as memorials of the divine sacrifice to incite men's minds to worship even in the market place, and as stations in connection with the neighbouring religious houses, where devotees did dutiful service, and where Church vassals attended at usual terms to pay tithes and rent. They, however, were made to

[1] The English word Gore has a similar significance. Leigh Hunt, in describing Kensington Gore, says that "it is a word which, with the surveyor as well as the seamstress, means a slip of something in addition, and of the shape of a blunted cone."—The Old Court Suburb, I. 21.

serve for other purposes, and in course of time became the recognised municipal centres at which the promulgation of local ordinances and national Acts was made, and where magistrates, in the exercise of patriarchal rule, administered justice by public retribution and restitution. In the domestic annals of old burghs they occupy a very important place, and by their quaint associations illustrate some curious phases of social life and customs. The one in Dundee, which stood on the Market Gait, probably near the old tolbooth, had become so dilapidated by age that the Council resolved, "in respect of the grite wrak and decay of the Merkat Croce and other warks, that a taxation be made with all diligence, and tane up and applyit to the reparation of the said warks." But the building was apparently so ruinous that it could not be restored, and four years afterwards another was erected opposite the front of the new tolbooth. This Cross was of an interesting and decorated character, similar in design to some others which are yet in existence. An ascent of six steps led from each of the eight sides to a platform, whereon stood an octagonal structure of considerable size, having doorways in some of its sides, and ornamented at the angles with clusters of pillars which supported a projecting battlement. Above the centre of the groined arching of the roof, there rose a stone shaft, having the lilies of the town's arms sculptured on its front, and the motto DEI DON, with the date 1586, and, surmounting it, a unicorn bearing a shield whereon was the lion rampant.

1582. Ap. 25.

Upon the lower part of the pillar may still be seen in an incised monogram, the letters I. M. M., the initials of John Mylne, the King's master-mason, builder of the Cross, who, for this and for other work done in the town, next year was admitted a burgess. John was of a family that belonged almost hereditarily to the craft, and has in different generations produced famous masons and architects, who erected important buildings throughout the kingdom; and he himself constructed the bridge at Perth, which was destroyed in 1621, almost before it had been finished. He lies in the Grayfriars' burying-ground there, and the inscription on his tomb-stone records that

> "His learned art did lay
> The spatious arches of the bridge of Tay,
> Which [w]as demolish'd by a mighty spate."

But concludes—

"That in his sonne,
And sonne's sonne, he lives two for one;
Who to advance Mill's art and fame,
Make stocks and stones speak out his name." [1]

And an inscription over the door of Mary's Chapel Mason Lodge in Edinburgh, commemorates his son's son, who died in 1667, as

"John Mylne, who maketh the fou[r]th John,
And by descent from father unto son,
Sixth master-mason to a royal race
Of seven successive kings."

One of the family rebuilt Holyrood house; another, William, in 1763, erected the North bridge at Edinburgh; and his brother Robert, after a distinguished career in Rome, about the same time built Blackfriars' bridge across the Thames.[2]

Many imposing ceremonies have been witnessed at the platform of the Dundee Market Cross, on occasions of national concern or of public peril—when rebels were denounced for their misdeeds, or good men were warned to muster in arms; when stern protest was made against evil rule in the commonweal,

"Or royal edict rang,
And voice of Scotland's law was sent
In glorious trumpet clang."

Other scenes have been enacted there, diverse in character, but often grimly solemn and grotesque—as when a noisy braggart knelt on the stones and offered atonement with bated breath to a magistrate whom he had "mispersonit;" when a clamorous virago, similarly humbled, asked the pardon of her neighbour whom she had banned, or perhaps sat on the stool of contempt "at maist patent time of day," and not yet being able to hold her tongue, had it summarily put to silence by

[1] Muses Threnodie, I. 138.

[2] The family is now represented by Mr. Robert W. Mylne, architect, London, to whose antiquarian researches, and to D. Murray Lyon's "History of Mary's Lodge," I am indebted for information regarding the old master-masons.

the application of the scold's bridle; when a man who had offended against the moral law, stood there in gyves or bound with iron chains, and wore an ignominious paper crown; or when a woman, pitilessly subjected to public scorn, had "her hair cuttit off and nailit upon the scaffold to the example of others." But sights more pleasing than these would be seen around the Cross at the busy market hours, when men struck hands at bargains, or fulfilled their time in payment; when careful farmers sold their corn, with much chaffering, to the dusty town millers, while their buxom spouses and blooming daughters, sitting in fair show upon the steps, had voluble passages of arms with the thrifty burgess housewives, intent upon cheapening the fresh produce of their poultry yards and dairies.[1]

After standing for nearly two centuries, the Market Cross was found to have outlasted its use. General Acts no longer needed to be proclaimed with blare of trumpets, and the public and exemplary punishment of moral offences had ceased. In 1777, the municipal utilitarians discovered that it was causing an obstruction in the broad thoroughfare, and they cleared it away. A silver medal, having a well executed view of the building, was struck to commemorate the occasion of its removal, and a circle of stones was set in the pavement of the Market Gait to denote the place where it stood. Since the demolition of the structure, its stone shaft has remained entire, although it narrowly escaped destruction also; for, not having been provided with a suitable position, it was several times put away into corners, and was only saved from being made into paving stones because it was not reckoned worth the labour. Happily, this pillar has now been erected

[1] There is a curious narration in "Dundee Delineated" of an incident on the high seas, in which reference is made to the Cross. "In the year 1750, Captain Crichton, of Dundee, was captured by Angria, the famous East India pirate, who put the following questions to him:—

Angria—Where do you originally come from?

Crichton—From Dundee, in Scotland.

Angria—Ay! ay! from Dundee!! Then, pray, where does the Cross of Dundee stand?

Crichton—Near the west end of the large square, opposite the new Townhouse.

Angria—How many steps are in it?

Crichton—Six steps, and all go round about it.

Angria—Quite right."

Having asked some other questions which were answered satisfactorily, "the pirate said, 'Well, Captain Crichton, because we are townsmen, I give you your liberty and your ship in a present.'"

on a fitting site, near St. Mary's tower, and stands a curious memorial of the past, which will surely gather increased interest with the lapse of time.

THE CROSS CHURCH.

After the Church was injured by the English at their occupation of the town, its western end was suffered to remain unrepaired and neglected, and the ruin became a quarry out of which the inhabitants supplied themselves for their own buildings. This wanton destruction appears to have continued, notwithstanding all prohibitions, until the time it was resolved to restore the transepts so as to form an additional place of worship; and then the Council took sharper measures with offenders, by ordaining "that whoever sall tak away ony manner of stanes, lime, timber, clay, or ony uther materials quhatsomever appertening to the Kirk wark or common warks of the burgh—the doer thereof sall be accusit as airt and pairt of theft, and punishit therefor according to the laws, and the bearer sall be scurgit throw the town, his lug nailit to the tron, and banishit the burgh for ever;" (this is scarcely explicit, it not being made quite clear whether or not he was to carry his lug with him;) and "whoever maks true advertisement of ony persons, bearers or resetters of the theft, sall have for his labours forty shillings;" and whoever "knaws the same, and conceals and maks na advertisement, sall be repute and haldin as airt and pairt of the theft." To raise the necessary funds for the restoration, they ordained "the Dean of Guild to convene his merchants, and elect ane number of them that are maist honourable to gang severally upon the Sunday in the Kirk with the brod for collecting of help for bigging the Croce Kirk; and also the deacons of crafts in like manner to convene their brethren, and choose out of them ane number of the maist honourable and qualifeit to pass severally to the effect foresaid; and that whoever sall be charged be the officer to pass with the brod, and disobeys, his readiest guids and geir sall be poyndit for sa meikle money as was collectit the Sunday immediately preceding the disobedient's chairge."

1582. Oct. 1.

The "brod" did not, however, prove to be an effective method for raising funds, and on 25th October the Council thought proper to present a supplication to the King and Lords of Council, claiming some national help toward the work. In this they showed that "it is notour that their predecessors and themselves have ever been true and obedient subjects to his Highness' predecessors and himself for defence of the realm and the burgh against foreign enemies, and have at all times in weirs and necessities opponit themselves, their lives, lands, and leiving for the defence thereof, to their great wrack and herschip; and [that] their burgh, the kirk, tolbuith, steeple, almoushouse, and uther common houses thereof [have been] diverse times brint and cassin down be England, for the reparation of which at all times they have wodsett and spendit their haill common gude, by mony sindrie taxations; and [that] lately, in the last troubles, they, for defence of their burgh against his Majesty's enemies in the north, have spendit and warit their common gude and rents, and yet nevertheless have repairit their tolbuith, almoushouses, steeple, and shore upon their great skaith and hurt, without ony support of his Majesty. And now at last their kirk, quhairunto they resort and have access for hearing of the word of God teachit, is sa little and uneasie that they of necessity have begun to build ane new wark and kirk, and their common gude being so far superexpendit and behind the hand, it is unable to them to perform the samin, [so] they are constrainit to mene them to his Highness and the Lords for some support thereto—it being sa godlie a wark, tending to the glorie of God and policie of this realm;" and this specially in respect that notwithstanding all done by them and their predecessors "for defence of the realm and the burgh, they never were supported be his Majesty, but only all things done upon their awn charges; albeit his Highness and the Lords at sindrie times have supported and gratifeit the town of Perth—quha are inferior to them in all respects, in service done to his Majesty for defence of the realm and utherways—by granting them taxation of ten thousand merks for support of their brig." In answer to this appeal, the King, with advice of his Council, acknowledged the good service of his subjects in Dundee, their heavy past expenditure, and their present necessity, and discharged them "of all payment of ony stents and impositions that sall be imput upon

their burgh for the space of five years, except sic taxation as sall be appointit to be upliftit for sending ambassadors for furthering of his Highness' marriage—to the payment of their pairt quhairof they sall be always subject."[1]

Two months before this time, King James was in effect forcibly subjected to the control of the Earl of Gowrie and his associates at what has been historically called the Raid of Ruthven. He was then only sixteen, and when he made an outcry at his restraint, the Master of Glammis sternly rebuked him, and said, "Better bairns greet than bearded men." The Gowrie faction kept charge of his person, and carried on the government of the country for nearly a year. Provost Haliburton was one of the party; and the allusion in the memorial to what had been done by the burgh "lately in the last troubles, against his Majesty's enemies," no doubt refers to the support given to the raiders. It had been because of this, and through the Provost's influence, that the relief from taxation was granted by the Privy Council; but, as Gowrie held only a brief tenure of power, the exemption had probably been merely temporary, and, in consequence, little help would be afforded to the work of edifying the church.

1588-9. JAN. 17. After the lapse of several years, "the Council, with advice of the deacons of crafts, again concludit that the Croce Kirk sall be buildit and repairit with all possible diligence; and condescended that for the present ane taxation of five hundred merks sall be liftit universally of all inhabitants, but exception of person, in respect of the necessity and gudeness of the wark; and, likeways, that the haill unlaws that sall happen to be upliftit of ony neighbours sall be applyit to help the reparation;" and that "the haill rests of all taxations, being in quhatsoever person's hands, sall be collectit and ingadderit" for the same purpose by John Trail, who, "be common suffrage, was nominat master of the Kirk wark." The device of a church rate did not, however, prove more successful than the old system of the brod; and, after two more years of delay, they once again, with good resolution, "concludit that instantlie there sall hand be put to repairing of the Croce Kirk; and anent the collecting of money for making the chairges thereof," they had recourse to a method of raising subscriptions not unknown

[1] Reg. Privy Council, III. 520.

in modern times, and "devised that certain of the Council sall pass to all the neighbours of the burgh, to enquire quhat they of their awn benevolence and zeal to the furtherance of the wark, will charitably offer and give; and as they sall be movit to grant and offer," to cause their names "to be rememberit in ane roll to be written the time of the said requisition."

1590. Oct. 27. The walls having at last been raised, some persons were "appointit to contract anent the furnishing of tymmer to the ruiff, and however they sall appoint and do thereanent," the Council "promittit to hold the same firm and stable, and to relieve them of all quhairin they sall be oblist be virtue of the contract." At the same time, a scheme was conceived for getting the roof put on without cost to the commonweal, and they "concludit all with ane voice, that it sall be lesum to sic persons as sall give liberally to the reparation of the Croce Kirk attour the avail and price of ane cuple, to direct within the said Kirk ane monument and remembrance of them and their liberality, to stand therein perpetually in all time coming; and this monument to be placit under the cuples quhilk they sall give, or in sic uther place as they sall happen to repair." In response to this, Henry Lyell, of Blackness, made a contribution of timber, and a memorial commemorating his gift with extraordinary effusiveness was thereafter placed upon the wall, where it remained until the destruction of the Church. It was inscribed:—

REX · AD · OPVS · TEMPLI · SALOMONI · MISIT · HIRAMVS
LIGNA · TYRO · TRITICVM · PACTVS · MVLTVM ROGATVS
QVI · SVB · REGE · MERES · DVX · FERRVM · GRATIS · & · VLTI
TRANSMITTIS · TEMPLO · INSTAVRANDO · HENRICI · LYELLE
QVINA · QVATER · TYRIO · SALOMO · DEDIT · OPPIDA · REGI
QVAM · QVINIS · QVATERINE · FVIT · TR · PLVRIS · ES · VNIS.

In Monteath's "Theater of Mortality," this is translated:—

To Solomon's Temple King Hiram sent from Tyre
Fine cedar-wood, but upon great desire;
This Church, thou, Captain Lyell, to repair,
Did freely give all that was necessar.
To the Tyrian King gave Solomon towns twice ten,—
Thou, greater than these both, and best of men.

1591. Oct. 12. Some further difficulties were experienced before the roof of the house was completed. "The Council resolved that order be tane anent the providing of sklates to the Croce Kirk, and that travel be made with the winners thereof at the heuch," (probably at the Sidlaw Hills,) "for buying the same, and with gentlemen for the carriage thereof, and that na person be sufferit to buy ony within the burgh until the town be first satisfeit."

1593. Oct. 16. An accident had happened at the building—it may have been in raising the roof timbers—and the Council, "considering the grite hurt that Henry Baxter, skipper, hes sustenit in the town's wark be braking of his banes, and making him unable in his person, as appears, to win his leiving as of before, therefore ordanit the treasurer presently to gratifie him with twenty pounds, and to pay to him during the space of twa years heirefter" other twenty pounds. At the end of this period he had not recovered, and they then "considering the grite hurt and skayth quhilk Henry Baxter sustenit be the fall he receivit in the reparation of the Croce Kirk, quhairby he is renderit impotent in his person, grantit and gave freely to him the soum of ane hundred merks, quhilk they promittit to cause be payit with all gudelie diligence."

The northern transept had not been included within the building which was constructed across the main edifice, and, in consequence, became known as the Cross Church; but it was afterwards partially restored, and the Kirkmaster was instructed to get "the ruiff of the nor aisle of the Croce Kirk repairit with all diligence;" so as to make the place suitable for the sepulture of persons of consequence. The honour of kirk burial was held in high estimation, and considerable fees were exacted for the graves of those laid in this transept. The

1603. Dec. 31. body of one man received that distinction in payment of a debt which was due to him when in life. "In consideration of diverse pleasures done to the Council be umquhile Alexander Young, of Inche, ane of the isyears[1] of his Majesty's chalmer, and specially for the chalmer fee addebtit be them to him for the last infeftment grantit be our Soverane Lord to the town," (this was at the settlement of the dispute between Dundee and Perth a year before,) "and at the desire of Mr. Peter Young, of Seaton, Maister Almises[2] to his Majesty, they grantit license

[1] Ushers. [2] Almoner.

to lay the said Alexander in the new Croce Kirk without payment of ony duty therefor, nochtwithstanding it be provydit be the acts that na person sall be buried without payment of ane hundred pounds;" and on the death of Young's widow a year afterwards, they exacted only fifty pounds "for the liberty of ane burial place in the West Kirk of the burgh, on the north end thereof, to umquhile Margaret Arnot, relict of umquhile Alexander Young, of Inche."

Alexander and Peter Young, who were the sons of a Dundee burgess, appear to have both thriven very well in the early part of the reign of James VI. Although Alexander never held a higher post at Court than usher-depute of the King's chamber, yet having been well educated at Geneva,[1] he possessed sufficient learning to win the favour of his pedantic master, and had wit enough to enable him to keep it; consequently, he attained to considerable honour and emolument. In 1581, he received from the King a grant of "four chalders four bolls aits, with four dozen salmon annually, furth of the superpluss of the Bishopric of Glasgow;"[2] and in 1592, "his Highness' familiar and domestic servitor, Alexander Young, yscheare-deput of his Highness' chalmer, who hes bestowit the haill time of his youth in his Highness' service, awaiting continually upon his person fra time of his infancy to this hour," was confirmed in possession of the lands of Inche, in the Lordship of Pittenweem, and other lands.[3] Peter occupied a more important position—he and George Buchanan having been "the pedagogues for the instruction and education of his Majesty in literature and religion."[4] Sir James Melville says that Buchanan was stoically severe, "but Young was more gentle, carrying himself warily, as a man who had a mind to his own weal."[5] By their combined labours in Stirling Castle, they made the royal youth a wonderful prodigy of learning. James Melvill, of Kilrenny, tells how himself and his uncle "cam to Dundee, from that to St. John's Town, from that to Stirling, and saw the King"—then eight years old—"the sweetest sight in Europe that day, for strange and extraordinar gifts of ingyne, judgment, memory, and language;" and there Melvill's uncle "conferrit at

[1] Melvill's Diary, 38.
[2] Act. Par., III. 247.
[3] Ibid., III. 606.
[4] Reg. Privy Council, II. 689.
[5] Memoirs, 249.

length with Mr. George Buchanan, also with Mr. Peter Young, and Saunders his brother—with whom he had been weill acquented in Geneva."[1] Peter Young was held in respect for his learning. In 1575, when it was resolved that, "for the upbringing of youth, there should be only ane form of grammar teachit in all the schools," he was appointed one of the commissioners "to devise anent the form of grammar."[2] His labours as teacher of the King were, however, rewarded with more than honour, he having been placed into the lucrative office of royal almoner; and, after he had acquired possession of the lands of Seaton, near Arbroath, "it pleasit his Majesty for the service done to him be Maister Peter Young, his Highness' preceptor and maister almousser, in the education of his Highness virtuously in letters during his minority," to confirm him in possession of certain feu lands of the Abbacie of Aberbrothok."[3] Subsequently, he received the distinction of knighthood, and was sent ambassador to Denmark, to treat for the King's marriage. He "also, upon the suddantie at his Highness' request, took voyage and accompanyit his Majesty to Norroway to the solemnisation of the marriage."[4] Sir Peter died in 1628, and was buried in St. Vigean's Church.

1633. Oct. 12. After being roofed over, the north transept continued to be used as a burial place. The Council found that "in times bygane there hes been great abuses be breaking of the floor of the north aisle of the West Kirk for burials, and in not paviamenting the same in due season," therefore they ordained "that in times coming all persons who shall receive that benefit, shall, before the earth is broken, or corpse laid therein, consign ane sufficient pledge in the hands of the kirkmaster for paviamenting sufficiently the ground above the corpse within ane month thereafter." It was not until the middle of the eighteenth century that this division of the edifice was used as a place of worship, and received the name—which had formerly pertained to both transepts—of the Cross Church, and that the other—the designation West having ceased to be distinctive—became known as the South Church.

[1] Diary, 48.
[2] Reg. Privy Council, II. 478.
[3] Act. Par., III. 236.
[4] Ibid., III. 568.

THE EAST CHURCH.

Although the chancel was for some time the only place of worship used within the town, it could have been neither beautiful nor convenient, for it did not retain any of the magnificence which surrounded the old ritual, and had acquired but few accessories to make it suitable for the new order. Some desks had been erected for the principal burgesses and their wives, but it was "sa little and uneasie" that the great body of the worshippers were expected to stand during the long service; and this led to the surreptitious introduction of portable seats of a miscellaneous and primitive sort, against which a war was waged. "The Council concludit that the auld acts made anent the removing of stools, stocks, and moveable seats and stanes furth of the Kirk, be put to execution against the transgressors thereof with all severity, but respect to person; and that the kirkmaster presently and incontinent attend thereto." The women—unlike those of the present day—were content to occupy obscure places in the aisles, and it became necessary to bring them forward by the influence of a forced example. It was ordained "that all persons of the Council cause their wyiffs sit within the body of the Kirk in all time coming, under the pain of twenty shillings, to be upliftit of the persons contraveners, sa aft as their wyiffs sall be notit transgressing this present."

1588. May 9.

The building of the Cross Church not having made progress, a scheme was devised for providing more accommodation within the other one. "It was concludit with common consent that the auld Kirk sall be repairit, and all impediments within the same removit, and lofts made therein quhairby it may be made mair capable of people nor it presently is; for which effect, and for devising of the manner of the reparation," some persons were named "to concur with the kirkmaster." And the result was that two great tiers of galleries were erected at the west end. One of the aisles became dilapidated, and it was resolved "that the East little Kirk," (a name it obtained after the Cross Church came into use.) "sall be repairit in the north tofall thereof, and for

1589. Oct. 8.

doing of this necessar and godlie wark that there sall be ane weekly collection ilk Sunday before noon, of sic voluntary and charitable contribution as it sall please God to move the hearts of the people resorting to the preaching, to grant of their awn benevolence."

These works having been accomplished, other improvements were also effected. The sum of eighty-eight pounds was paid to "the wricht that biggit the new pulpit and seats." This pulpit, which had some finely carved work in black oak, remained in the Church for a hundred and fifty years. After being removed, it was acquired for the Episcopalian Chapel, and continued there until a recent time.[1] The collector of the unlaws was instructed "to cause repair the King's Majesty's seat in the auld East Kirk, off the first end of the unlaws." This seat had been reckoned stately enough for James VI. at Assembly meetings, and on Sundays while he reigned over Scotland only, and happened to be in the town; but in 1617, before he revisited the country after his long absence, a new one was made with "decornaments" better suited to his increased dignity. A gallery for the Town Council was also erected across the east end of the Church. This was a heavy and highly decorated structure, having an elaborate and boldly carved front, which remained an interesting feature of the old building until its destruction. "The Council ordanit that they and their successors sall sit in time of sermon and preaching continually heirefter in the new seat lately erectit within the East Kirk for their number; and gif ony of them sit in ony uther place in ony of the kirks in time of preaching, the contravener sall pay five pounds;" and some years later, they very solemnly "promised and faithfully obliged them be their great aith, to repair on all Sabbath days and week days in time of sermon to the ordinary seat built in the East Kirk for them to sit in;" at the same time, however, reducing the penalty to be exacted "from him who fails in so doing, to six shillings; but consenting that the officers should poind or ward therefor." The fine was afterwards adjusted according to a scale. It was enacted that "ilk absent councillor from the Council in convening time efter the ringing of the bell, and ilk absent from the Council seat in the East Kirk on Sunday in times of sermon, sall pay as follows:—The absent Provost, twenty-four

1602. Oct. 12.

1612. Aug. 28.

[1] When it was demolished, some of the most interesting of its panels were preserved.

shillings, the absent Bailie, twelve shillings, ilk uther councillor absent, six shillings, and that *toties quoties* it sall happen them so to be in time coming, they always not being furth of the town." The past Bailies were relegated to a place of lesser honour. "From henceforth that seat under the present magistrates their seat in the East Kirk, sall be only keepit for the old magistrates for the time, and ane lock and key made [for it] at the direction of the kirkmaster; and this to be intimat to the session the next meeting." 1643. Dec. 4.

Such seats as were within the Church had been incongruous and separate pens, constructed upon leave only to suit their owner's convenience, without any regard to order or general fitness; and the gracefulness of the pillars and arches became effectually marred by the lumbering galleries and the great pews and cobles with which they were crowded. "The haill Council all in ane voice grantit liberty to Kingennie and the Clerk, to build particular dasks for their awn use in the East Kirk, and assigned to them the room betwix the baxters' seat and William Goldman's seat." During the stirring times of the Solemn League, both of the churches appear to have been well filled, and a gallery was erected in the new one. An overseer was appointed "for the better decornament of the West Kirk, for changing of the pulpit be the advice of the ministers to a more commodious stance nor quhair it is presently, and for making of ane loft therein to contain the youths of the burgh to hear the preaching." 1644. May 21.

The decent order always observed at the church service was on one occasion indecorously interrupted, but the brawlers received due punishment. "The Council being convened anent the riot committed be Mr. James Beatone, doctor of medicine, and William Davidson, in the Church of the burgh, ordained Mr. James to pay two hundred merks, and William Davidson ane hundred merks, before they go furth of prison." 1646. Jan. 20.

After the master-gunner had charge of the church windows, they appear to have generally been maintained by contract. At one time, when they were very much broken, Alexander Johnston, glassin-wricht, agreed "presently to repair sufficiently the haill glassin wyndoks of baith the kirks, and mak the same haill and ticht; and, likeways, to uphald, beit, and repair them during the space of his lifetime upon 1610. Jan. 31.

his awn chairges; for quhilk cause the kirkmaster" was instructed to pay him "for the present reparation three score pounds, and for beiting and uphalding them, twenty merks yearly; and the Council declared him free of all payment of taxation during his gude service." Robert Johnston, Alexander's successor, was probably his son, and had come hereditarly into charge of the glass. He also became bound "to repair the whole windows of both the kirks, and mak them whole and tight in all points," and received a like annual payment and relief of taxes.

1643. Dec. 26. Then followed Patrick Hunter, at whose death his widow was installed into the office of ecclesiastical glazier. "The Council ordained that Katrine Man, relict of Patrick Hunter, glassin-wright, shall be only imployed for glassin-wright craft in all the public works of the burgh, and that none other shall be admitted to serve in that craft without her consent, knowledge, and privitie, providing she serve readily at all occasions, and mak sufficient work, and furnish at the ordinary rates." Katrine did not continue to monopolise this exclusive right, for, with her own consent, she took to herself another partner, and, after his decease, even another, and continued the exercise of the craft in marital succession. The story is succinctly told upon a gravestone in the Howff, which records that it is "For the memorie of Patrick Hunter and Patrick Henderson, glasiris, and Richard Davidson, merchand, burgessis of Dundie, and Kathrin Man, ther spouses successivly. She departed September, 1677." The author, while making this narration, must have experienced some difficulty in defining the relationship amongst the parties, and he no doubt was satisfied that he had succeeded in giving the matter a neat and epigrammatic turn.

1616. June 17. The church roofs were also maintained by contract. Thomas Cowle agreed "to furnish sklaits freely upon his awn chairges to the beiting, repairing, and uphalding the ruiffs of the tolbuith, the haill common mills, the hospital, the steeple, and the south galray of the auld Kirk, during the space of his lifetime; for the quhilk cause the Council declared him free of all payment of customs for ony sklaits that sall happen to be sauld be him, or transportit fra the burgh be sea to any other port within the realm." And William Bruch, of Davidston, became bound "to furnish sufficient sklaits to the uphalding of the ruiffs and thaks of the West and East Kirks—except the south

tofall or galray of the East Kirk—and the thak of the flesh-house, sa far as the same pertenes to the township, and that, at all necessar occasions as he sall be requirit; for the quhilk they declared" him also "free from payment of all shore silver; and in case any grite pairt of the ruiffs and warks above written be tirred[1] and new theyked,[2] they promittit to consider discreetly the losses that he should sustene be the furnishing of the sklaits; and, finally, he promittit to furnish to neighbours at all occasions to their awn private warks, ilk hundred grite sklaits for four merks." For the work upon the roofs, "George Tarbet, sklaiter, agreed to beit and repair the rin-ruiffs betwix the East and West Kirks, and the rin-ruiffs of the storm windoks of the West Kirk water ticht, the kirkmaster finding sklaits, lime, sand, and uther materials necessar to the wark, and this for ane certain soum of money payit him—quhairwith he holds himself weill satisfeit." When the roof of the East Kirk required renewal, George was intrusted with the work, and became bound "to tirr the haill ruiff and theik it sufficiently with sklait, and furnish all iron and timber wark necessar thereto, with lime, sand, and all other necessaries except sklaits only, for quhilk he should receive four hundred merks—ane third at the beginning, ane third at midwork, and ane uther third at the end of the work." 1621. Ap. 10.

To aid in the reparation of the buildings, the magistrates transferred for that purpose their right to a perquisite of a creelful of coal out of every cargo imported. "The present Bailies considering the fabric of the Church, how it requires great charges to uphold and repair, and that there is no considerable rent belonging thereto for that use, have therefore freely mortified all the Fife creels formerly payed to them out of all ships, crears, and boats quhatsoever, to the use of the Church, and have ordained that the kirkmaster uplift the creels and dispone of the same, and be charged therewith in his yearly compts. As also they have mortified for the foresaid use the land gangs"—or dues received for the use of the gangways leading to the vessels. 1652. May 31.

Besides possessing the large space of ground within the kirkyard, the Church held the superiority over a portion of the lands which lay beyond the street towards the river. This right having apparently

[1] Uncovered. [2] Slated.

1591. Dec. 28. become almost forgotten, the kirkmaster and others were instructed "to pass and measure the waste bounds on the south side of the kirkyard, foranent the tenements of George Spenss, James Scrimgeour, and ane pairt of the Erlis Inns, to the effect the same may be rentallit, and the feu-mails thereof known—quhilk is six shillings for ilk ruid." The house here described as the Earl's Inns, and which was also known as the Earl's Lodging, and the Earl's Palace, was the baronial residence of the Crawford family, which stood in a large garden between the Nethergate and the river. The Earls of Crawford about this time parted with most of their lands in the town, and the glory of their old house had passed away; but it must have still been a noble pile, for it continued to stand stately in decay until the end of last century. It is said that part of its vaulted underbuilding yet remains underneath a modern superstructure.

Upon the south side of the kirkyard there stood a line of houses fronting to the narrow lane called Our Lady Gait, the ground rents of which had been uplifted by the burgh treasurer, but "the Council appointed the haill feu-mails and annual-rents in the kirkyard to appertene to the kirkwark, and ordained the kirkmaster to collect and insert them in his rental, quhairwith he sall be chairgit in his compts." One of these houses was "ye Mason Ludge," and the rental roll of 1581 shows that a feu of sixteen shillings was derived from it. Access was then had to the kirkyard only by three passages or stiles, and it was not until after the demolition of the line of buildings early in the present century, when the Gait was widened into a spacious street, that the Church obtained a free and open frontage. The line of houses along the south side of the Overgate was likewise built upon the kirkyard, and there was entrance through it from that street by three stiles also, which were probably protected by arched gateways. The East one was at Tally Street, and the West at School Wynd, formerly called Kirk Wynd. Archibald Auchenleck possessed some property beside

1634. Nov. 4. this latter, and having, either wilfully or negligently, injured it, he was peremptorily called upon "to cause re-edifie and big up the North westmost Kirk Stile, and mak the same in as good estait as it was before his down throwing thereof." The Mid Kirk Stile appears to have at one time been sold and built upon. "The Council ordained

ane charter to be made to Robert, son of umquhile David Ramsay, baxter, of the waste bounds quhilk wes ane Kirk Styill, upon the west pairt of David's tenement on the south side of Argylesgait, in feu-ferm for payment of six shillings eight pennies at consuet terms, and instructed Bailie Carmichael to pass and give seasing, quhairanent the present sall be ane warrant." There can be no doubt that this was the Mid Kirk Stile, as the rental roll shows that Ramsay's house adjoined it on the east; but as that passage has remained open from time immemorial, we can only conclude that although he may have had possession and built over the ground, the charter had not been completed so as to prove or secure his title. And that this was so appears probable from an entry which occurs fifty-two years later—seemingly regarding the same property, which had then belonged to another family. "Walter Thomson was charged to compeir the first court day, ather to produce the evidents anent the Kirk Style, or utherways to see the [building] demolished, under the pain of the acts." 1591. Dec. 31.

THE MINT IN DUNDEE.

The Dundee mint was situated in a passage on the north side of the Market Gait, or High Street, which was formerly called St. Margaret's Close, but latterly became known as the Mint Close—a change of designation which somehow has caused confusion, and led modern antiquaries to fix the place of the mint in an entry on the south side of the Nethergate, which has been in recent times the only one bearing the name of St. Margaret's Close. The buildings of the "cunzie house," which seem to have been of a massive and substantial character, were demolished about fifty years ago, and no remains of them are now to be found. We do not know anything of the early history of this mint, excepting that there are silver groat pieces in existence struck during the reign of Robert III., (1390-1406,) which bear to have been coined in Dundee; and we may infer that it had continued to be used subsequently, for the first record regarding it

which we possess, shows that in 1585 the house was occupied hurriedly upon an emergency, as if it had been maintained in suitable order for occasional use.

The mint would appear to have been at this time almost constantly employed in converting old coins into new, of a more debased quality —a process of depreciation from which the King derived considerable revenue. In the previous year, while the establishment was in Edinburgh, several proclamations were issued requiring all persons to bring in their old money, and receive the new in exchange, "shilling for shilling;" but the order was not responded to with much alacrity, and his Majesty threatened "to presently discharge the course of the said pieces, and utherwise to punish the persons with quhom they remain."[1] Shortly afterwards, a fatal outbreak of the plague in Edinburgh paralysed the industries of that city, and interfered with the operations of the mint, in especial with the system of exchanging money with the lieges; so measures were taken for removing the works to Dundee, which was yet free from infection. On 23rd June, 1585, the Lords of Council instructed "the general and master of his Highness' cunyiehouse, to transport the same, and all officers' furniture, werklumis, and necessaries belanging thereto, fra the burgh of Edinburgh to the town of Dundee, with all possible diligence, and there to enter and continue in cunyeing and wirking of gold, silver, and allayed money, according to the acts and warrants past thereanent of before, altering the circumscription of the allayed pennies OPPIDUM DUNDIE for OPPIDUM EDINBURGI, and eiking ane ri[n]g within the letters, as they have already outwith the same, quhairsoever it sall happen the said money to be wrocht; and to cause prepare all necessar houses for working and straiking, and [all means for] transporting of the officers and servants of the said house upon his Majesty's expenses." Orders were also given that the officers of the cunyiehouse be "weill usit and intertenyit" in Dundee, and enjoy all their privileges there, just as at Edinburgh.[2]

But not long after the removal, and before much progress could have been made in coining, the plague reached Dundee also. We do not have any particulars regarding this outbreak, as there is at

[1] Reg. Privy Council, III. 680. [2] Ibid., III. 751.

that time a blank of five years in the continuity of the Town Council records; but we may conclude that it had been of a severe character, when we find that the mint was again required to change its place. This was not on account of the risk of contagion which the officers incurred, but simply because the depreciating operations could not be carried on except where money was circulating freely. On October 21st, orders were given to "the general and master of the cunyiehouse to transport themselves, the prenting irnes, say box, and all officers' furniture, warklumis, and necessaries belanging to the said house, fra the pairts and places quhair they presently remain to the burgh of Perth with all possible diligence."[1] Although the plague had already ceased in that town, the removal did not take place immediately; and a grievous complaint was made that in Dundee, because of the infection, and through "drift and delay," the twelve pennie pieces, bawbees, placks, and three pennie groats were not being brought in to the master-cunyeor to coin into new money as required, so that not only were the officers of the cunyiehouse constrained to lie idle, "but the unlawful transporting, breaking down, and fynning of the pieces hes been usit in the meantime as weill outwith the country as within the same, to the grite hinder of his Majesty's profits and hurt of the commonweill—the said cunyie being ane chief rent and casualty belanging to his crown." The officers of the cunyiehouse were therefore, on December 11th, again commanded to remove as soon as possible, "with their haill werklumis," to the burgh of Perth; and a proclamation was ordered to be made, charging the lieges to bring in to the master-cunyeor all old coin, under the pain of confiscation of it and their own imprisonment.[2]

At a subsequent time some of the buildings of the mint were occupied for dwelling-houses, as we find from a dispute which arose in 1646, regarding a wall which stood "out fra Thomas Wichtane his gallerie of the northmost dwelling within the cunzie." When the Second Charles made the unsuccessful attempt to recover his ancestral throne, and had been crowned King of Scotland at Scone, Cromwell's forces having possession of Edinburgh, Dundee was reckoned to be so secure a stronghold of the royalists, that a proposal was made to re-establish the coining presses there. On March 31st, 1651, "his

[1] Reg. Privy Council, IV. 26. [2] Ibid., IV. 37.

Majesty and the Estates of Parliament at Perth, appointed the Earl of Buccleuch, the Lord Advocate, and Archibald Sydserff to sight and consider the house in Dundee appointed to be the coynehouse, consider the repairing thereof, and accordingly to grant precept not exceeding two thousand merks."[1] This Committee had probably proceeded to put the place in order; we know that the Earl of Buccleuch lived that year for some time in the town, as his daughter Anne, who became the wife of Charles' unfortunate son, the Duke of Monmouth, was then born there—tradition says in the corner house at the bottom of the Overgate—but the national coinage was not again struck in the Dundee mint, for before long the King's authority had come to an end, and the town itself lay in ruins.

A PEACEFUL SEASON.

In the early part of the reign of James VI. Scotland enjoyed a time of peace, and the burghs seldom needing to keep watch and ward, had freedom for the development of their industries and commerce. There were no national questions to cause disquiet, the nobles had none other than their usual chronic jealousies and feuds, and the troubles within the Church had not yet begun. On the few occasions when the burgesses of Dundee were called to arms—except at the time of the threatened Spanish invasion—the muster had either been ordered without sufficient reason, or if there was disorder, peace had been soon restored. In 1577, proclamation was made calling upon the inhabitants of certain towns to join Regent Morton in a raid against Border reavers; "notwithstanding which, upon suit made be these burghs, offering a taxation to the furnishing of men of weir to supply their rooms," licence was granted to them "to remain at hame fra the oist and army."[2] Dundee agreed to pay five hundred pounds for this exemption, and James Lovell and Alexander Ramsay compeared before the Privy Council, "and protestit that this sum grantit be the community

[1] Act. Par., VI. ii. 661.

[2] Reg. Privy Council, II. 638.

for licence for them remaining fra the oist, raid, and army appointit to convene at Dumfries, for the pursuit of thieves, outlaws, and uther troublers of the public peace and quietness of the twa realms, sall not prejudge the burgh, nor be preparative [to] the payment of the like taxation in time coming."[1] There does not appear to have been any Border expedition contemplated at this time; and, indeed, no special occasion had arisen for the calling out of a host. Most likely the whole was a scheme devised by Morton for raising exactions, he being noted "for his iniquitous contrivances for extorting money under the name of fines."[2]

In 1581, Andrew Gray of Duninald, attacked and besieged Red Castle, and the Provost and inhabitants of Dundee were ordered to muster and proceed to the relief of the garrison; but when their forces reached the place they found that the Castle was partly burned down, and that the besiegers had fled.[3] When the burgesses were once more required to serve their Sovereign in the south, the need had not been very pressing, for three hundred and fifty merks sufficed to procure exemption, and "for payment of the town's pairt appointed to be upliftit for furnishing of the soldiers to Dumfries." The house of Deer, in Aberdeenshire, belonging to Lord Altrie, having been taken and forcibly held by his brother, the Lords of Council issued instructions to some of the northern burghs to send men to assist in its reduction;[4] and the Town Council, "for satisfeing of his Majesty's chairge, impetrat at the instance of my Lord Altrie, for passing to the house of Deer for pursuing his Majesty's rebels being therein, concludit that the number of thretty hagbutters sall be directit there, under the commandment of ane honest neighbour of ability;" but for some reason the expedition was not sent forward, and it is noted upon the margin of the record—"This is deleit in respect the hagbutters are stayit." Two days later the Town Council of Aberdeen, referring to what Dundee and other towns were doing, resolved to send forty hagbutters in obedience to the proclamation. Whether or not these men were also "stayit," does not appear, but no effective force was sent to help Lord Altrie, and the assailants held possession of his house for some

1590. Oct. 13.

[1] Reg. Privy Council, II. 640.
[2] Taylor's Hist. Scot., II. 151.
[3] Act. Par., III. 208.
[4] Pratt's Buchan, 121.

time. In 1592, the inhabitants of Dundee were again called upon to bear part in an expedition against reavers, but upon "the soum of twa hundred pounds being advancit to his Majesty," they obtained "ane dischairge of their passing to this raid toward the Border." Two years later, when the Earl of Huntly and the Gordons raised, as was their wont, rebellion in the north, the King charged his subjects "to address themselves weill bodin in feir of weir to meet his Majesty at Dundee, and theirefter to pass forward as they sall be commandit for the advancement of his Highness' authority;[1] but the forces which then mustered found that the insurrection had collapsed before their approach, and all that was left for them to do was to destroy the rebels' strongholds and lay the country waste.

THE GREAT ARMADA.

In 1588, when the Spaniards threatened to invade England, and it was feared that there would also be a descent upon the Scottish coasts, preparations were made for withstanding the common enemy, and in Dundee, as well as in other towns, the burgesses took to their
1588. May 4. arms, strengthened their defences, and kept watch and ward. The Council agreed "that the Bailies sall distribute the spears to sic persons as are able to use and to buy them upon the town's prices—viz., ten shillings the piece, and the soums to be receivit therefor—quhilk will extend to sixty pounds—to be deliverit to Thomas Davidson, [master-gunner,] for mounting and stocking of the ordinance." Besides this, a taxation of five hundred merks was ordered to be made "and applyit to the mounting of the ordinance and the reparation of the stocks thereof, and buying of powder for the town's service." Injunctions were given to the "haill neighbours and fencible persons to be in readiness weill bodin with spear or hagbut, jack, steel bonnet, and uther armour, to attend and await upon the Provost and Bailies' direction quhen they sall be chargit, according to the King's Majesty's

[1] Act. Par., IV. 95.

charge directit and publishit to that effect." Some dependence was placed on the armament of St. Mary's tower, and the Council having "understanding of the gude and thankful service done be Patrick Ramsay, smith, and his gude attendance on the steeple in time of troubles, and in respect of the present appearand troubles, nominated and appointed him to have the order and charge of the ordinance being in the steeple, under Thomas Davidson, the principal master thereof." 1588. Aug. 7.

When the ships of the Great Armada were at sea, "and the news was credibly tauld of their landing at Dunbar, sometimes at St. Andrew's, and in Tay, and now and then at Aberdeen,"[1] and when the danger appeared to be imminent—"it was concludit that the town sall be substantiously guardit for the space of ane month, and for that effect that there be tane up six score soldiers under their commanders, quha sall have the watching committit in their hands;" and that "every ane of them sall have forty shillings of waige in the month, to be payit be common contribution; and for that effect, and for mounting of the ordinance, and buying of powder and bullets, that ane taxation be upliftit universally." (More money was raised than the occasion required, for afterwards, as we have seen, the sum of two hundred merks, "quhilk was appointit for the mounting of the ordinance," was applied to the building of the Grammar School.) The enemy might land upon the coast of Fife and be upon them unawares, and it was ordained "that the haill boats upon the ferry be drawn over to the north side in the nicht season, except ane for the service of noble men." Oct. 9.

At the same time, John Findlason, one of the Council, who had also represented the burgh in Parliament, was nominated "to pass to my Lord Admiral, and declare the town's gude will to his Lordship's furtherance and service, and that the town hes concludit to remember his Lordship's friendship—declarit to them in all their adois—with ane takin of ane hundred crowns and ane pair of pistollets; and this present to be ane warrant to John for that effect." The Admiral was the notorious second Earl of Bothwell, an unquiet and lawless man, who had been, and continued to be, the occasion of much trouble to

[1] Melvill's Diary, 261.

the country. He was held in general disfavour and suspicion, it being even alleged that he was privy to the Spanish scheme of invasion; and this propine from the town, ostensibly in requital for his good service, had probably been given to secure immunity from any evil designs which he might be supposed to entertain. The following summer he raised much disorder in Fife, and "took up bands of men of war, leading them alangs the coast side, and opprest and troubled the towns," but certain gentleman "resolved to resist and feght them, till they were fain to tak the steeple of St. Monance on their heads, utherways had gotten sic wages payed them as wald have enterteined them all their days. And yet insisting, they brak the appointment quhilk the tutor of Pitcur—that notable Provost of Dundee—made betwix them and the towns, and cam landwart to Pittenweem." But the Fife men having determined to resist, "they were fain to retire and leave aff."[1] It had probably been in connection with this breach of agreement that the Council shortly afterwards "ordainit ane boy to be directit to John Findlason and John Lovell, with the letters for summoning of my Lord Earl of Bothwell."

The elements aided the English fleet against the Armada, and the great enterprise became a disastrous failure. A number of the ships were driven in miserable plight upon the shores they proposed to invade. Melvill tells of the pitiful state of the crew of a Spanish vessel that landed at Anstruther, "nocht to give mercy, but to ask; for the maist pairt young beardless men, sillie, trauchled, and hungered, to quhom keall, pattage, and fish was giffen." And he adds, "Quhen I rememberit the prideful and cruel nature of these people, and how they wald have usit us in case they had landed their forces amang us, I saw the wonderful wark of God's mercy and justice in making them so abjectly to beg alms at our doors."[2]

[1] Melvill's Diary, 276. [2] Ibid., 263.

A PROCLAMATION OF SUNDRY ACTS.

At the Michaelmas head court it was usual to appoint some of the Council to "visit the auld common acts, and select sic thereof as are meetest to be publishit," and publicly charge all to observe them. The proclamation which was issued by the clerk after the discomfiture of the Armada, is very comprehensive and very impressive:—

1588. Oct. 31.

"I command and charge in our Soverane Lord the King's Majesty's name, and in name and behalf of the Provost and Bailies of this burgh, all and syndrie neighbours and inhabitants of the same, and others his Majesty's lieges resortand thereto, that they and ilk ane of them observe, hear, and obey the laws and constitutions underwritten, made and devysit for the common weill of the burgh, under the pains contenit therein, to be execute upon the contraveners but favour.

"In the first it is ordanit that our merciful God have his due honour and glory within the bounds of this burgh and ilk jurisdiction thereof, and that the true religion instantly teachit and embracit within the same, be mentenit in all security, and discipline execute upon all offenders according to God's holy word, and the Acts of Parliament and of this burgh.

"Item, that the auld acts made anent the keeping of the Sabbath day, and anent fornicators—specially anent the setting of persons falling in the second fault bair heidit at the cuck-stule the space of three hours—be put to execution upon all transgressors.

"Item, that the auld acts made anent disputers agains the true religion, and hearers of the disputers without delating of the same," be enforced "agains the disputers be execution of the pains, and agains the hearers be forfalting of their freedom for ever.

"Item, that the haill acts made anent banners, swearers, and perturbers of the Kirk and kirkyard in time of sermon; anent gyseings, maskings, and dancings under silence of nycht, and riotous and excessive banquetings; and anent the observation of ane gude and comely order in the Kirk, [by] the removing of stocks and stules within the

same, and for the maintenance of God's glory and fortification of the discipline of His Kirk, by keeping of the Sabbath and other ordinary hours of churching oulkly on Wednesday and Friday, be put in execution without respect to person; with this addition, that quhatsaever person beis notit in his buith, or haunting or frequenting the shore or the common stairs of the same in time of preaching, or passing furth of the Kirk before the conclusion of the prayer efter the sermon, sall be admonishit be the session for the first fault, for the next sall pay ten shillings to the puir, for the third forty shillings, and the fourth time sall mak public repentance.

"Item, that the magistrates, baith superior and inferior, be reverencit and obeyit in their offices as becomes, and only their jurisdictions, laws, and judgements socht in civil causes; and that the acts made thereanent be put in execution, with this addition, that na inhabitant sall presume" to obtain any order for enforcing them to put "their acts and decreets to execution, without [he] first require them judicially" to execute their judgements, "and tak instruments upon their refusal, under the pain of tynsal of freedom; and this for avoiding syndrie sklanders quhilk the magistrates hes sustenit, na way be their awn mene, but be the obstinacy of certain evil disposed persons [obtaining] compulsations without ony [occasion], the Provost and Bailies otherways of their awn accord being haill disposed to execute their awn judgements."

MARRIAGE OF JAMES VI.—THE QUEEN'S DOWRY.

King James having resolved upon making a matrimonial alliance with the Princess Anne, daughter of the King of Denmark, Parliament therefore "remembering how necessary it sall be baith for his Highness and his realm that the matter of his marriage and the charges to be made sall be honourably and sufficiently done," nominated six Commissioners from each Estate—the representative of Dundee being one for the burghs—"to deliberate and conclude upon sic taxation as

sall be thocht expedient."[1] The Town Council "electit Patrick Lyon their Commissioner to convene with the remanent Estates for intreating of sic matters as sall be proponit, specially for condescending to ane taxation for making the expenses and charges of the King's marriage, and furnishing of his Highness' ambassadors." This Convention resolved "to uplift a taxation of ane hundred thousand pounds, the half before the feast of Martinmas,"[2] but Patrick had not reported the matter, and he was sent to the next meeting with instructions "to remember to extract the Acts made at the last Convention." A taxation of five hundred pounds was then ordered to be "liftit for the town's pairt for furnishing of the ambassadors," and another of six hundred and eighty pounds for the "town's pairt of the fifty thousand pounds [to be] universally liftit off the haill Estates, for making the charge upon his Highness' marriage." Besides these general taxes, "the burrows of the realm lent to his Majesty twenty thousand pounds," and the Council, "for their pairt of this soum, extending to twa thousand ane hundred and fifty pounds, presently ordained the town to be stentit."

1588. MAR. 26.

1589. AUG. 22.

The Princess Anne having sailed for Scotland, the fleet encountered a severe storm, and was driven back to the coast of Norway. James, becoming impatient at the delay, notwithstanding his usual caution and timidity, resolved on performing what has been called the one romantic act of his life, and set sail to meet his bride in the north. Their marriage took place on his arrival, and they remained in Denmark during the winter. While the King was away the country appears to have continued very peaceful; although there had been certain disquieting alarms, which reached the burgesses of Dundee, and caused them to take precautionary measures against disorder. "The Council, in consideration of the present appearance of troubles in his Majesty's absence, and of diverse rumours and bruits thereof, concludit that there be nichtly ane substantious watch of the neighbours of the burgh without exception of ony able person—to quhom sall be committit the keeping of the town—quhase number shall be constitute according to the necessity of the time."

1589-90. JAN. 22.

When spring arrived, James wrote to the Privy Council warning them of his return, and as "a King of Scotland with a new-married

[1] Act. Par., III. 437. [2] Ibid., III. 523.

wyfe will not come home every day, fail not to provide gude cheer for us; and for a token that ye have not forgotten us, ye may send two or three ships here to show us the way home; but let na great gentlemen come in them, but many gude mariners." Dundee, with the help
1589-90. Mar. 24. of Perth, Forfar, and Arbroath, was called upon to furnish a vessel for this purpose, and a contract was made between the town and these burghs "on the ane pairt, and George Duncan, master of the Marie Galland, on the uther, touching the frauchting of the said ship;" and a taxation "was appointed to be upliftit for payment of twelve hundred merks, as for the town's pairt of the outrigging of the ship to the King's Majesty's convoy;" of the which sum there was to be "presently collectit nine hundred merks for the outred of the ship, and the rest to stand over until it be thocht meet." The ships were ordered to be "weill and honourably equippageit, and furnishit every ane of them with threttie mariners, accoutred with hand senzeis, flags, streamers of weir of red taffety, red side claiths, and dekkit tops with the colours of red and yallow."[1] The royal pair on their arrival at Edinburgh were welcomed with great rejoicings. The "Sea King's daughter" had a most magnificent reception, and was presented with many valuable gifts. The expenses incurred were too heavy to be immediately met, and the payment was spread over a considerable time—it not being until after eight years that the whole was liquidated by a general taxation; and the Dundee treasurer "made his compt of the four thousand merks quhilk wes lately upliftit for the Queen's Majesty's entrie," and other charges.

1590. Aug. 12. The half of the dowry brought by Anne from Denmark was lent upon interest to the burgh of Dundee. Alexander Scrymgeour, the treasurer, having received "fra my Lord Comptroller the soum of nineteen thousand pounds as ane pairt of his Majesty's tocher, and be the appointment made with the Comptroller," having "grantit him to have receivit the soum of twenty thousand pounds," (which was a premium of one thousand pounds for the loan,) and the Council having "receivit the same fra his hands, they therefore exonerit and dischargit him of the forder answering of the said soum for now and ever." The money was then "imput in the hands of Bailie Fleshour,

[1] Reg. Privy Council, IV. 469.

there to remain until the same be sufficiently warit." At the end of some months the Bailie reported that he "had, according to the Council's directions, distributed and deliverit the twenty thousand pounds receivit fra his Majesty's Comptroller, to neighbours of the burgh according to the roll given to him, quhairupon sufficient security is made and cautioners actit in the common court books," and he was therefore "exonerit and dischargit." But the collector of the crafts "desirit the roll of the neighbours quha had receivit" the money "to be deliverit to him, that the persons and their cautioners actitat[1] therefor might be sharplie animadvertit, and [protested] that their estates should be considerit yearly be the Council;" and that if "be negligence or oursight ony of them should become unable for payment of the soum receivit be them, that the same be not repairit be common taxation."

1591. Oct. 21.

The interest exacted by the King was ten per cent., but the money had probably been lent out at a higher rate. The treasurer produced "twa acquittances subscrivit be my Lord Comptroller, containing ane dischairge of the annual rent of twa thousand pounds for the profit of the pairt of his Majesty's tocher, of the Whitsunday and Mertimes terms last by past." The protest of the collector had caused closer attention to the securities, and the Council "concludit that the haill inhabitants quha hes receivit ony pairt of his Majesty's tocher upon profit, sall be chairgit to provide the same again Whitsunday next, or at the least to mak new security therefor;" and that every person "haiffare of the money, or his cautioner, sall be tryit to be ane landit man, having as meikle rent as will extend to the quantity of the profit. And that it be specially providit in the security to be made of new, that it sall be lesum, gif they be compellit to compryse land or annual-rent for the said soums, to compryse ten for ilk hundred, notwithstanding ony Act of Parliament in the contrair."

The money continued in possession of the town until 1594, when the Estates of Parliament "confirmed and discharged the acquittance grantit be his Highness and his Comptroller to the Council and community of Dundee, of the soum of twenty thousand pounds, as that pairt of his Highness' tocher quhilk wes deponit in their hands."[2] The burgh of Aberdeen at the same time repaid "eight thousand pounds

[1] Bound.

[2] Act. Par., IV. 86.

of the tocher of his Majesty's dearest spouse," and Perth, "twelve thousand pounds, being ane pairt of his Majesty's tocher."[1] The money was soon spent. Shortly after, at the baptism of Prince Henry, the Queen received costly gifts of golden cups, and Sir James Melville says that "they were soon meltit and spendit, [for] they that gave advice to break them, wanted their pairt as they had done of the Queen's tocher."

1588. DEC. 19. At different occasions Dundee continued to supply considerable quantities of wine for the royal house. The treasurer was instructed "to deliver to Peter Man the soum of three score pounds, in pairt payment of ane tun of wine awand to him, furnished to the King's Majesty;" and in addition, "ane taxation was imposed for the town's pairt of the thirty tuns of wine" delivered to the King some years before. This seems to have been a periodical benevolence from the burghs. Another payment was made "for the town's pairt of thirty tuns wine addebtit to his Majesty of the year of God 1588," and subsequently a taxation "was imposed of five hundred pounds six shillings eight pennies, awand for the town's pairt of the thirty tuns wine furnishit to the King's house, anno 1589."

DAVID GRAHAM OF FINTREY.

In the early part of the sixteenth century, a scion of the family of Graham, of which the Earl of Montrose was the head, acquired lands along Strath Dighty north and east of Dundee, and gave them the territorial designation of Fintrey—probably after the name of the parish in Stirlingshire from whence he had emigrated. The Grahams soon obtained a good position in the shire, and at the time when the country had begun to settle under the sway of Mary, after her return from France, David erected the castle of Mains as principal messuage of the estate. It stands a short distance north from the burgh boundary, in a situation somewhat picturesque and pleasing, upon the

[1] Act. Par., IV. 149.

side of the Gelly burn—a clear stream which comes from the west out of a little valley, and has cut a narrow den between the base of the weatherworn tower and the site of the old church, now only a lonely burying-ground, and ripples along under the shadow of patriarchal trees, some of them dying with age, catching on its way the runnel from a cool well which springs out of the castle rock, and then flowing onward by green banks which widen out into the fertile valley of the Dighty. The ruins of the castle show that although it had not been a place of much strength, it yet possessed all the conveniencies and comforts which appertained to the house of a baron at that rude period. The square tower, still standing entire, contains in its basement a broad flight of stairs leading up to the now roofless hall, which has been a spacious and well-lighted apartment nearly forty feet in length, and to other rooms suited for the accommodation of the family. The enclosing walls are of a substantial character, and have loopholes and other means of defence, while round the courtyard there are remains of buildings wherein a considerable number of retainers had been lodged. Over the arched doorway in the western wall the arms of the Grahams have been sculptured, but the cognizance is now altogether effaced, although the date, 1562, and the letters D. G., the initials of the founder's name, are still distinguishable.

At the time of the Reformation the Grahams chose to continue within the pale of the old Church, and they, in consequence, became subjected to disabilities and were led into rebellious contest with the narrow rule of the period. In 1569, David was constrained, along with others, nobles and barons, to sign a bond of loyalty and obedience to the King;[1] and seven years later his son, David Graham, apparent of Fintrey, obtained licence to go abroad, only upon security being given by David Lindsay of Edzel, and Thomas Fotheringham of Powry, "that he shall do nothing prejudicial to the realm during his absence, and that he shall not return without express licence."[2] The young man had gone to the Continent to prosecute his studies, but his residence abroad had probably been the means of associating him with those unquiet plotting spirits who at a later time led him into difficulty and peril. The father attained some honour, for we find that he is named

[1] Reg. Privy Council, I. 654. [2] Ibid., II. 498.

knight, in a Letter of Slains, dated 1575, wherein he and others nearest of kin to Cardinal Beaton, grant forgiveness to John Leslie for the part he took in the Cardinal's slaughter.[1] In 1577, when pledges for the security of the peace of the Border were consigned to the charge of certain landed men, "to be surely keepit unletten to liberty or sufferit to pass hame," David Graham was named as havar of Willie Armstrang of Tarrisholmhill,[2] and when it was found that the hostages had been permitted to depart, Graham and others were declared to have each incurred the pain of two thousand pounds.[3] But he had somehow regained possession of his pledge, for we find that in 1579, "it pleased the King to let William Armstrang, now lying in keeping with David Graham of Fintrey, hame" under certain conditions, and Graham was then relieved from his charge.[4]

About this time David Graham the younger succeeded to the lands, and he appears to have then lived a quiet country life, busying himself in extending his castle, as we find by a building in the court-yard which has inscribed over its doorway PATRIÆ ET POSTERIS GRATIS ET AMICIS, with the date 1582, and following peaceful agricultural pursuits, as we learn from restrictions which were imposed upon him at shipping certain corns in 1587, when he was obliged to give security "that all the victual, meal, and bear, quhilk grew upon his awn lands of the Mains, betit[5] and lying in the haven of Dundee, sall [only] be transportit to the ferry of Airth"[6]—a small port in the Forth in a district which belonged to the Grahams. But the following year the country was in commotion, and before long he found himself in the midst of trouble.

The death of the ill-fated Queen Mary was soon followed by the noise of preparations for the invasion of England by the King of Spain. As the danger also threatened Scotland, measures were taken to defend the country not only from the enemy's ships, but also from the machinations of the Jesuits and other adversaries of the Reformation within the realm, who had conspired with the Spaniards to subvert

[1] Deed in Leslie House—Fourth Report of Com. on Hist. MSS. 504.
[2] Act. Par., III. 118.
[3] Reg. Privy Council, III. 42.
[4] Reg. Privy Council, III. 164.
[5] Contained.
[6] Reg. Privy Council, IV. 162.

the Church as well as override the Kingdom. At a meeting of the General Assembly, which was held in the midst of the alarm, the active emissaries of Rome were denounced, and amongst them David Graham was specially named as an excommunicated person who had become associated with the Earl of Huntly and other turbulent spirits in these inimical plots.[1] After the destruction of the Great Armada, he was, in November, required to find caution that upon fifteen days warning he would appear before the Privy Council, to answer "to all things that sall be layit to his charge;"[2] and the following month he received sentence of expatriation—John, Earl of Montrose, becoming bound in the sum of five thousand pounds, that David Graham of Fintrey shall go to Dundee within two days, and depart from thence to France, Flanders, "or ony uther pairt beyond sea" within a month thereafter; "and until his depairting sall remain within the town of Dundee, or utherways pass and visie his mother and chief, that ilk ane of them may receive mutual comfort of uther;" and that he shall not return from abroad without the King's licence; and shall "in the meantime behave himself loyally and dutifully."[3]

Before he had, however, taken his departure, the King, on 17th February, 1588-9, received a communication from Queen Elizabeth enclosing a number of treasonable letters, which her ministers had intercepted, addressed by some of the leading Catholics, nobles, and others in Scotland to the King of Spain and the Duke of Parma, soliciting "the King of Spain to renew the invasion of the Island by the way of Scotland."[4] In one of the letters from Robert Bruce, a seminary priest, to the Duke of Parma, the writer says that the Earl of Huntly has been persuaded to sign the Confession of the heretics, "but his heart is no ways alienate from our cause, for he hath the heart ever good, albeit he hath not the vigour to persevere;" consequently, he should not be without a man of credit beside him, and "since the baron of Fintrey is put in ward by the King in the town of Dundee, so that he dare not go out of the ports thereof, under the pain of a great sum, until the occasion may be offered to depart the country within the time limited, and [as] I by the King's commandment am discharged to

[1] Calderwood, IV. 660.
[2] Reg. Privy Council, IV. 334.
[3] Ibid., IV. 337.
[4] Calderwood, V. 28.

come near the Earl, because they have attributed to the said lord of Fintrey and me his constancie in the Catholic religion and his absence from Court, his, [Fintrey's] warding hath therefore somewhat hindered our course, and permits me not to move him as it has pleased you to command me."[1] It was subsequently charged against the Earl of Huntly that he had at this time received from Graham three thousand crowns of Spanish money.[2]

Following the discovery, a proclamation was issued ordering the expulsion of Jesuits and excommunicated persons, and Graham of Fintrey and three others who also had the temerity to remain after their sentence, were ordered "to remove and depairt furth of the realm within the space expressit in their particular licences, wind and weather serving, under the pain of dead."[3] Graham did not, however, obey this injunction, but joined himself with the Earls of Huntly and Bothwell in a rebellious enterprise upon which they embarked; and it was ordained that he be charged personally if he can be found, if not, at his dwelling-place and at the Market Cross of Dundee, to appear before the King within three days to answer "touching the late practice tending to the subversion of the present religion, and periling our Soverane Lord's person and estate."[4] But it was found that he and those with whom he had become associated, "casting aff due obedience, have treasonably made bands, keepit conventicles and other unlawful assemblies, and assistit be their servants have taken arms and come to the field against his Highness;" and heralds were ordered to charge the rebels to deliver their houses and fortalices under pain of treason.[5] Huntly and his adherents gathered a considerable force near Aberdeen, and for some time appeared to be formidable, but the King having mustered an army and led it against them, the insurrection came to an end and the leaders were scattered. Proceedings were afterwards taken against some of them, but few punishments were inflicted. Graham was denounced,[6] and he either went abroad or remained in hiding,

[1] From a rare tract, a copy of which is in the Advocates' Library, entitled "A Discoverie of the Vnnaturall and Traiterous Conspiracie of Scottisch Papistes."

[2] Pitcairn's Ancient Crim. Trials, I. ii. 173.

[3] Reg. Privy Council, IV. 359.

[4] Ibid., IV. 368.

[5] Ibid., IV. 373.

[6] Ibid., IV. 394.

but before long he obtained tacit forgiveness, and had tolerance to return.

When "the King past to the field in proper person to repress the treasonable conspiracies enterprisit be diverse of the nobility at the Brig of Dee," he by the way "thocht it expedient to charge sindrie persons suspect guilty to deliver their houses," and the Fortalice of the Mains, belonging to David Graham of Fintrey, was committed to James Scrymgeour of Dudhope, Constable of Dundee. But while the King was abroad upon his marriage, the Earls of Bothwell and Murray, claiming to have received right from Graham, required the Constable to deliver the house to them, and "for eschewing of a inconvenient threatenit," and for "interteyning of peace and quietness in the country," he did give it up, on promise that Bothwell would send him a sufficient warrant of the Privy Council, "or deliver the keys again into his hands —the house not to be entered in till one or other were done." Nevertheless, the Earls, "under silence of nicht," immediately thereafter entered into the place, and gave it into possession of David Graham, and although Scrymgeour claimed that he had done nothing "but that quhilk tendit to his Highness' honour and obedience, and [to the] commonweill and quietness of the country, without respect to his awn profit," Graham raised an action of spulzie against him, "as though he had violently intrusit himself." But in June, 1590, upon his petition, the Lords of Council decerned that the keeping of the fortalice by the Constable and the delivery of it again shall be esteemed good service to his Majesty.[1]

The proscribed Romanists continuing to scheme against the Church, the General Assembly pressed the King to take other measures for "purging the land of them;" and the Privy Council having "understanding of the seditious and crafty practices of Mr. James Gordon, father brother to the Earl of Huntly, [William] Douglas, son to the Earl of Angus, and David Graham of Fintrey, excommunicates and papists," how they are "alluring the simple and ignorant people not only to decline from the true religion presently professit, but also from their due obedience aucht to his Majesty," and how they hold "traffic and intelligence to this effect with others baith within and outwith the

[1] Reg. Privy Council, IV. 494.

realm, and [with] passengers passing to and fra them carrying mony treasonable and dangerous letters, to the apparent hurt of the true religion and periling of his Majesty's person," therefore ordained each of them to pass and enter his person in ward within a fortalice to be specified, and two miles about.[1] Subsequently, in May 1591, William, Master of Angus, and David Graham of Fintrey, being both personally present before the Council, "were delatit and accusit that they had declinit fra the true and Christian religion, [by] refusing to resort to the preaching of God's word; and that be reasoning, or dispersing of buiks or letters they had presumit to persuade his Majesty's subjects to decline fra the profession of the true religion," and being found guilty, they were decerned "to have incurrit the pain of tinsal of their moveable goods, together with the life-rents of their lands;" which were ordered "to be uptaken and employed to his Highness' awn use."[2]

We find that Graham the following year was lying in prison. His friend John Chisholm, writing to the Bishop of Viazon, says, "The laird of Fintrey is lately commandit in ward in the Castle of Stirling, as my Lord of Spynie, accused of treason by Colonel Stuart. Their day is the penult of August, 1592, before the Council."[3] He lay there till the end of the year, his wife bearing him company, and suffered great privations. Robert Abercrumbie, writing to William Crichton in December, says, "Ye heard before that David Graham of Fintrey had a son, and now has another born in the Castle of Stirling, where he is in ward hardlie handled."[4] At the trial of the Earls of Angus, Huntly, and Errol, in 1594, a letter was produced intended for some person unknown, "written and subscryvit be the laird of Fintrey, having ane fenzeit name of David Forrester."[5] This letter, which is printed in Calderwood's History, bears the date of December 9th, at Stirling Castle. In it Graham says, "I have spoken a gentleman, who assured me that against all Catholics in general there was over hard a conclusion set down. For my own part, albeit my estate be as difficill for the present as any other's within this realm, I thank the eternal God of all, I nather lightlied his advertisement, nather yet apprehended

[1] Reg. Privy Council, IV. 548.
[2] Ibid., IV. 619.
[3] Calderwood, V. 209.
[4] A Discoverie of the Vnnaturall Conspiracie.
[5] Act. Par., IV. 57.

I it any more vehemently than I ought to have done; for he to whose blessed protection I have committed me, and in the which only I put my full assurance, I doubt not will preserve me, and work all the things to the best, according to his Godly pleasure and providence. In the mean time, if commodiouslie I might, I would gladly be freed out of this prison, to prepare me to go furth of Scotland; for I sustean moe incommodities here nor every one can easily conjecture." He describes an attempt which was made to effect his conversion. "The minister of this town, accompanied with the maister of the school, on Wednesday at even last, came to the castle garden, and directed up the porter to know if I would please to come and speak with them. I thought it a point of incivilitie to have refused them speech. So, after some talking, they uttered that their coming there was upon good will that they boor to me; and upon that my bed-fellow said she was sorry that never none took the pains to travel with me, which I knew not of. In conclusion, they desired to know if I was content to confer with them gentlie. After many demands how they had been directed to me, in respect that I assured them I was as throuch in all the points of my faith as they were of theirs, I took me to be advised for a certain day, whether I would enter in any conference with them or not, in respect of the inconveniencies which might ensue to me, and I being in prison. . . . We reasoned an hour *de ecclesia*, because I would not appear so retired nor destitute of reason. He appears courteous eneugh, this minister; but I see no fruit to ensue of our conference; but rather, they may give it out as they list."[1]

At the end of December, George Ker, brother to the Earl of Newbottle, was apprehended while leaving the Clyde for the Continent, with a number of treasonable letters written by leading Catholics in Scotland, and intended for the King of Spain, together with certain mysterious blanks bearing the seals and signatures of some of the disaffected nobles. From the letters it appeared that another scheme had been devised for the invasion of England by Spanish troops to be landed in Scotland, who, "with the fortification and assistance of the noblemen Catholics, their friends, should have immediately after their landing begun to alter the religion presently profest within this realm,

[1] Calderwood, V. 203.

or at least procured liberty of conscience, and papistrie to have been erected here."[1] The discovery of this correspondence caused great excitement. The Edinburgh ministers met, and went to the King with some advice regarding how the trial of the conspirators should proceed, which he, not relishing their interference, did not take in good part, and said that "he knew not of their meeting till all the wives of the kaill Mercat knew of it."[2] Ker, when examined, refused to give any information; but, having been put to the torture, he made a full confession.[3] David Graham was implicated as being privy to the plot, and was brought to Edinburgh. Calderwood says, "Upon the 12th of February [1592-3], he being to be examined, was made drunk by his friends, of purpose to eschew examination. But after his wits and memory awakened, he wrote a confession, and sent it to the King, which, howbeit it was sufficient for his conviction, the King would have him to be re-examined, and threatened with the torments of the boots."[4] In his letter to the King, Graham admits having knowledge of the conspiracy, and that Ker was employed to go out of the country to have the blanks filled up, "with what particular conditions," he says, "as God sall judge me, I know not. But such a number of men sould have come in, and such a quantity of money, if they were obteaned. Your Majestie's right and title sould no wise have been harmed. Liberty of conscience sould have been craved. And this is all I know in this errand, so far as I remember."[5]

It had no doubt been through the cruel torture of the boot that a more explicit confession was wrung from him on the two succeeding days, when he gave particulars about procuring the signatures of the noblemen, and of meetings with the persons implicated, and deponed "that the purpose of the army was to have revenged the Queen of Scotland's death;" and "that the alteration of the religion presently professed within this realm, or at the least liberty of conscience, sould have been ettled to. That to this effect they sould have sent unto his Majesty to have procured his favour and consent to it; [but] that in case their suit to his Majesty had been refused, what sould have ensued

[1] A Discoverie of the Vnnaturall Conspiracie.

[2] Calderwood, V. 216.

[3] MS. Letter, State Paper Office—Tytler, IX. 67.

[4] Hist., V. 223.

[5] Ibid., V. 230.

he knows not, as he sould answer to God."[1] "The quhilk treason the laird of Fintrey confessit in judgement, and never revokit the same, but went to the death therewith, and wes justifeit and execute therefor."[2] Calderwood gives the brief conclusion in few words. "Upon the 15th February, David Graham of Fintrey was convicted of treason by an assize of barons and burgesses, and beheaded at the Mercat Croce of Edinburgh, about two afternoon."[3] He was the only person who suffered death for this business. The King had not the firmness, perhaps had not the will, to take extreme measures against the Lords who were implicated, and some months later "George Ker brake ward out of the Castle."[4]

The lands appear to have been restored to the family after Graham's death. We find that a brother, who had probably taken charge of them during the infancy of the children, got himself out of trouble by the clemency of the King. In 1599, James Graham, brother-german to umquhile David Graham of Fintrey, was delated before the High Court "for the slauchter of John Crawford, servitor to the Earl of Orkney, committit within the kirkyard of Fersnay, upon set purpose, provision, and forethought felony." But "he producit the King's respect[5] for the said crime for the space of nineteen years;" and the Court admitted the respite, and he was discharged.[6]

Another David, the third in succession, was the next laird of Fintrey, and all that we know of him shows that he had enjoyed a time of prosperity and quiet. In 1624, as we have seen, he "disponed the three corn mills upon the water of Dighty," lying near the Pitkerro Road, to the burgh of Dundee. At a later time he was engaged in improving his house and heightening the tower, as we find from the upper corner stones, one of which bears the date 1630, and others carry respectively the letters D. G., E. F., and J. W., the initials of his own name, and probably those of his wife and mother. Charles I. bestowed upon him the honour of knighthood, and named him one of the Privy Council; and in 1641 he was the representative of the shire in Parliament. The Grahams continued to occupy the castle of Mains until

[1] Calderwood, V. 228.
[2] Act. Par., IV. 57.
[3] Hist., V. 224.
[4] Pitcairn, I. ii. 359.
[5] Respite.
[6] Pitcairn, III. 97.

the early part of last century, when, having acquired another estate some three miles farther east the strath, they there built the manor-house of Fintrey, and made it their residence. The last of the family that held the lands was Robert, who distinguished himself by procuring for Robert Burns a place in the excise, a friendly act for which the poet ever held him in grateful regard. The estates afterwards came into possession of the Erskines, who enlarged the house, and changed its name to Linlathen, the designation which it now bears.

AN INGENIOUS AND SUCCESSFUL INVENTOR.

1588. MAY 7. The use of furnaces for manufacturing purposes must have caused great risk of fire to the wooden-fronted houses, which were common within the old burgh. John Cleg, a soapmaker, was found to be endangering the buildings beside him by his melting caldrons, and he was ordained to find caution under the pain of five hundred merks, "that his neighbours and their houses adjacent to his dwelling sall be free and skaythless of all danger and power of fire be his occasion in the brewing of his soap," and this until "the Council tak forder order thereanent." At one time, when there had probably been a destructive fire, some general precautions were taken for preventing the risk of such an occurrence. "It was statute that in all times coming there shall be no fires holden within any of the laich volts lying under the new tolbuith, but only in the back chops coadjacent, under the pain of five pounds, to be upliftit of the possessors of the volts as oft and so oft as they be found contravening;" and that na person, "in any time heirefter, shall set forth any iron chimneys with fire in them within any streets or vennels, under the pain of forty shillings." These furnaces had likely been used by hammermen or pewterers following their crafts at street corners, and they would be a source of considerable danger to the hanging wooden galleries along house fronts.

Toward the end of the sixteenth century, Gustathius or Eustatius Roghe, mediciner, an ingenious and speculative Fleming, established

himself in Scotland, and proposed to carry out various promising schemes and inventions, amongst them being a plan for the improved construction of furnaces by which a great saving was to be effected in the consumption of fuel. In 1583, he succeeded in persuading the King "that he had perfect knowledge in seeking out gold, silver, copper, tin, and lead mines," and had a method of working them whereby the revenues of his Highness' Crown would be augmented; and having "offered to enterpryse the same," he received a grant of all the mines in Scotland for twenty-one years, "with power to carry away all timmer out of his Highness' forests, and peats out of his mosses and muirs, and also to win ony coals he could get" for smelting the ore; in return for which he agreed to pay the King a royalty of seven ounces out of the hundred of gold, and ten out of the hundred of any other metals which he might obtain.[1] James was very susceptible to the fascination of such speculations, and the Gowries, in the execution of their famous conspiracy, could offer no better lure for bringing him into their strong-hold than to represent that they had a great pot of uncounted gold coin awaiting him. The mining projects of this astute Dousterswivel did not prove successful, notwithstanding which the King could not resist another tempting proposal which he made in 1588, "to increase the revenue ane hundred thousand merks yearly," by a scheme for "the making of better salt and griter quantity nor hes been before, likeways be the sparing of the fire and fuel;" and he gave the Fleming a grant of the monoply of salt making, with the right to the tenth part of the profit, the rest going to the Commendator of Pittenweem and to himself.[2]

Roghe's plan whereby he proposed, "to reform, big, and renew all furnaces of the leids[3] and cadrons usit be browsters and litsters," received the sanction of the Privy Council, and he obtained a license to enforce its adoption upon several of the burghs. When he brought his invention to Dundee, the Council, in "consideration of the grite commoditie quhilk is offered be the overture proponit be Gustathius Roghe, Fleming, anent the bigging of furnaces to browsters and litsters, ordanit all persons within the burgh to big their furnaces according to the said Gustathius' device, and to pay him for ilk furnace according to the quantitie of the caldron—viz., for ilk gallon, three shillings 1590. Ap. 7.

[1] Act. Par., III. 368. [2] Ibid., IV. 156, 182. [3] Vessels.

money. Sic browsters as hes houses pertening to themselves in property to be astrictit to keep the ordinance first, and every man to furnish materials to the wark, and as he sall be requirit" to have them "in readiness, with certification an he fail that the Bailies sall provide the same upon his charges." The burgesses appear to have generally adopted the new method of building in their boilers, and it really turned out to be both successful and profitable, but they became alarmed lest the inventor should use his influence to force them into carrying out other projects; so, for their satisfaction, "Gustathius oblist himself na way, directly or indirectly, be moyen[1] at his Majesty or Court, to trouble the inhabitants with ony new imposition or exaction for ony overture to be proponit be him in time coming, but be the advice of the Town Council, and na way to trouble ony browsters or litsters for ony duty for renewing of their furnaces, he being ains satisfeit."

The shrewd Fleming, who must have been a practical as well as a speculative man, continued to maintain his interest at Court, and occupied himself in the perfecting of further profitable schemes. In 1599, the Privy Council recognised the value of his device for browsters' fires, and that not only had "the same been inventit be him," but also "that he hes utterit his knowledge, and omittit na diligence in performance thereof, to the commoditie of the country in hayning[2] and restraining the superfluous spending of coal, wood, peats, straw, and other fuel." And further, "his Majesty having consideration of the skilful disposition of Eustatius to excogitat some ma inventions, specially ane new fund out be him of ane form of stove mair profitable nor ever heretofore hes been devysit, and likeways ane singular remeid, never usit in Scotland before, for evil venting of chimneys, as also ane form of kiln quhairby not only a grite quantity of fuel may be sparit, but also the malt sall retene na taste of the materials" used, therefore grantit to him for life "the privilege to big and reform all furnaces, and amend all evil venting chimneys, for which the possessors sall pay him ane certain soum, as they can best agree;" and ordained that "nane sall tak on hand to imitat his inventions without his licence, under the pain of five hundred merks."[3]

[1] Influence. [2] Saving. [3] Act. Par., IV. 187.

JAMES ROBERTSON, FIRST MINISTER OF THE SECOND CHARGE.

In 1588, while efforts were being made to edify an additional place of worship, James Robertson was appointed second minister, and acted as colleague to William Christeson until the new Church was reared. He was educated at St. Andrews University, and while there had been somewhat distinguished. In 1584, James Melvill wrote a protest against the ambitious tyranny of the Bishops, and he relates that "twa of the students in theologie, for copying and sending it to brethren, war fain to flee and come to me at Berwick—Mr. James Robertson, a very guid brother, now minister of Dundee, and Mr. John Caldcleuch, whom I receivit gladly."[1] Robertson, however, afterwards obtained the favour of the authorities; for, before his appointment to Dundee, he occupied the office of third Master in the New College.[2] When so much difficulty was experienced in collecting money to build the Church, we can only expect to find that there would be trouble in raising funds for the new minister's stipend. The Council devised a scheme for the purpose, whereby a tax was to be levied upon the maltmen of one penny on every boll of malt they made, and an assessment was to be set upon all the crafts and traders; but it was only unwillingly agreed to after remonstrance and protest. The maltmen at first raised determined opposition to the tax, and employed counsel to support them by argument; this was, however, disregarded, and they were sneered at with contempt, and fined ignominiously. "The Council modifeis[3] the unlaw to be upliftit off the maltmen, for their nepaying[4] to the gude order tane anent their contribution, and for condescending to provide ane advocate to mak contradiction thereto, to be ten pounds, quhilk is ordanit to be uptane" from each of the five "chief devisers thereof, but respect of person;" besides a like sum from two others for "blaspheming the Bailies. The unlaws to be applyit to the reparation of the tolbuith windows and reparelling of the

1588. Dec. 2.

[1] Diary, 218. [2] Fasti Ecclesiæ, III. 691. [3] Fixes. [4] Not conforming.

Council-house." Collectors "of the maltmen's contribution to the minister's stipend" were then ordained "presently to collect the same of all persons indifferently, that is to say, ten pennies off every ten bolls malt[1] that they have made sen the nynt of May." The Council subsequently "ratifeit and approvit the conclusion tane be them of before touching the several contributions grantit for Mr. James Robertson his stipend, togidder with the haill letters made for payment" thereof—"viz., that be the Guild for [2] pounds, that be the deacons of the [nine] crafts for forty merks, that be the mariners for twenty pounds, that be the maltmen for ten pennies off every ten bolls malt, that be the litsters for ten merks, and that be the coopers for" an unfixed sum "on evrilk last of barrels; quhilk haill letters they ordanit to be insert and registrat in the common buiks of the burgh *ad futuram rei memoriam.*"

1588-9. Jan. 17.

The crafts had not, however, signed the agreement, and the baxters, who appear to have mostly been maltmen as well, protested "that they be not haldin to pay" the tax upon malt, "seeing they pay their pairt of the crafts' contribution in large manner;" and "the haill deacons protestit that in case ane uther mean be given for payment of the stipend, that they be free of their pairt thereof." In regard to these protests, "the deacon and the masters of the baxters were warnit to compeir before the Council on Thursday, and hear themselves decernit to subscryve the letter made for the maltmen's contribution, or allege ane sufficient cause in the contrair; and siclyke, the complaint made be the [haill] crafts anent the inequality of the merchants' contribution with that of the craftsmen under deaconrie," was ordered "to be reasonit the same day." When the day arrived, "David Tendell, deacon of the baxters, compeirit, and allegit that there wes syndrie masters of that craft in his Majesty's service, and others thereof without the burgh, so that he could na way get their advice and

[1] This was the quantity put in steep, and was called a steeping.

[2] The Guildry records of 1590, show that this payment "to the sustentation of the Ministrie," was the old "dutie pertening for uphold of the Chaplain of the Halie Bluid altar and the ornaments thereof," which was exacted from goods transported by sea, and that its annual value was forty-seven pounds. — Warden's Burgh Laws, 127. This payment to the minister was afterwards fixed at three score merks,

resolution, and therefore desirit ane uther day to be assignit to him to gif in his reasons; quhairto the Council condescendit, and assignit Tuesday next to that effect, and warnit him" that if he then "fail, he and his brethren sall be decernit." On the Tuesday the different parties attended, and "Tendell, assistit be the masters of the baxter craft, allegit that the said craft, according to their ability and attour, are stentit be the haill crafts under deacons to pay ane large pairt of the forty merks for the minister's stipend, and so ought not to be subject to the uther; and likeways, that the Council's desire thereanent is ane novation, quhairunto the commons hes not condescendit, likeas they presently disassentit thereto be the haill deacons then present—quha protestit all severally." To these reasons "it wes answered be Bailie Scrymgeour, that the first wes of na consequence, because the haill rest of the estates of the burgh—merchants and mariners—in case they handle malt, are subject to the contribution desirit, notwithstanding that they pay their pairts of their awn contribution; likeas the craftsmen under deacons quha traffic in merchandise, pay as weill to the Guild's pairt as to their crafts. And likeways, that the reason foundit upon the novation is na ways admissable, because the cause quhairfore the contribution is creavit is new."

1589. JULY 14. The result of the discussion was that a compromise was effected whereby "the deacons approved the ordinance for uplifting the ten pennies off the malt universally from the haill inhabitants, during the lifetime and service of Mr. James Robertson, ane of the ministers of God's word;" and the Council agreed to accept twelve merks yearly in full "for the craftsmen's contribution on malt, if made to their awn peculiar behoof and use only, and na way to ony uther under colour of their awn;" and declared that the exaction shall "be na ways prejudicial to the ancient liberties of the free crafts, and that nathing sall be introducit tending to the derogation of their privileges as special members of the commonweill."

The social position which the reformed clergy held as family men, in contrast with the celibates of the old Church, was reckoned so novel and peculiar that special arrangements were provided for their support, so as to meet the altered circumstances. "In the contract made by the Council with Mr. James Robertson, they were oblist to eik and

1591. July 27. augment his stipend as his chairge suld happen to increase be ane wyiff and family;" and before three years had elapsed, they, "knowing perfectly that his chairge and burden hes increased be ane wyiff and family, and that he is not able to maintain them upon his stipend, therefore augmentit it with ane hundred merks, making in the haill the soum of four hundred, during his lifetime and service in the ministry;" and it not having been "specially set down in the ordinance by quhom this soum of one hundred merks sall be payit," they accepted it upon themselves, and instructed the treasurer "to pay the soum until some uther occasion be offerit how and be quhom it sall be payit." At the end of other three years the worthy man had a further addition to his "family and bairns, and then they, understanding his chairge to be very heavy, and him na way able to sustene the same upon the stipend providit for him," again increased it "with ane hundred merks attour the soum of four hundred." Next year the children must have come in twins, for the Council, "finding the grite chairge which their weill-belovit parson hes at this present in sustening of his wyiff, bairns, and family, augmentit his stipend twa hundred and fifty merks, making in the haill the soum of seven hundred and fifty merks," or "five hundred pounds money of the realm."

1603. July 12. As the older children grew up, the Council, admitting that they had not been sufficiently provided for in infancy, devised a method of compensation; and "taking consideration of the grite skayth sustenit be Mr. James Robertson the first aucht or nine years that he servit in the ministry, be reason of the exigency of his stipend, quhilk wes na way answerable to the chairge of his family, in recompense of his loss, bound them to pay to Margaret, his eldest dochter, the soum of five hundred merks, before the feast of Whitsunday, 1605; and in the mean time to pay him yearly fifty merks, to be applyit to her sustentation." The money was paid before that term, and "he grantit him to have receivit it, in name and behalf of Margaret, his eldest lauchful dochter, for her support to ane honest condition of life;" and became bound to "mak the soum furthcoming to her at her perfect age, and to cause her ratifie the dischairge." The Council afterwards found that in this transaction they had "mellit[1] with ane hundred pounds

[1] Intermeddled.

fra the hands of the Abbot of Lindores, quhilk should have been payit to Mr. David Lindesay, minister" of the first charge; so they instructed the treasurer to pay the money to Mr. David, and reimburse himself from the shore silver. About this time James Robertson obtained possession of the Vicarage of the parish, but its emoluments were so small that he could not have received much advantage from it. "Be the occasion of the visitation of plague, he was frustrat of the payment of two hundred and thirty-five merks as ane pairt of his stipend assignit furth of the mails of Pitkerro mills, and the Council, considering his estate to be sic as may nocht spare the delay," instructed the treasurer "to pay him aucht pounds for the profit until Mertimes." But the rent was not then settled, as "the mills were unprofitable to the tenant for the twa years when the burgh was visited be the pest," and it was not until a later time that his claims, with some others, were discharged by a general taxation. From the same cause, the assessment for his stipend was also difficult to collect. "The maltmen, quha are addebtit in payment of ten pennies off ilk steeping of malt," were found to be "slack and remiss in settling it;" and as "the collectors could nocht pursue by law therefor, and in respect of the" exigency thereof, it was "ordanit that sic persons as refuse, being requirit twice, sall pay the double."

1608. JAN. 5.

"For certain reasonable causes, Mr. James Robertson, undoubtit Vicar of the parochine, renounced into the hands of the Council, undoubtit patrons thereof, all and haill the said Vicarage, with all richt title and possession; to the effect they may provide ane uther sufficient qualifeit person as they sall think expedient;" they, in return, formally confirming "the stipend appointit for him quhilk hes been fra time to time augmentit, upon the growing of the burden of his family"—viz., five hundred merks paid by the treasurer, "and three hundred be the Hospital master, who receives for his relief the contributions grantit be the mariners and maltmen;" and becoming bound to continue these emoluments to Mr. James during life, "by and attour the payment of his house mail." This demission of the Vicarage had probably not been considered sufficient, as at a later time he made a formal conveyance to the town of his right to its rents "for certain gratitudes and gude deeds done to him be the Council, and constituted the

FEB. 2.

1611. JUNE 11.

treasurer his factor," giving him full power "to uptak the small teinds and uther duties pertening to the Vicarage, as weill to burgh as landwart, providing that he applies the same to the common weill and profit of the burgh—specially to payment of the ministers' stipends."

1617. Nov. 14. The last benevolence which the Council granted to their pastor was to assist his son. "In consideration of the long, true, and faithful service done be Mr. James Robertson, to the glory of God and the comfort of the people, and considering the grite burden and chairge quhilk he hes had in the helping of his bairns, and in the education of Mr. Alexander, his eldest son, and enterteaning him at the schools in St. Andrews thir five years bygane, and that he must entertean him in the College of Theologie until he pass his course there," they therefore "grantit Mr. Alexander ane yearly pension of ane hundred merks, for furnishing to him of clothes and books, during the space of five years next heirefter following." The worthy minister died in 1623.

THE BELLS IN THE CHURCH TOWER.

1590. Nov. 10. The frequent occasions for the use of the steeple bells, made the work of the ringers somewhat heavy. "The Council, understanding the grite and continual travels and lawbours quhilk Charles Michelson hes in ringing the bells and attending on the Kirk at all occasions, and the exignitie[1] of the duty quhilk wes appointit of before for that service, quhairupon ane person can not lieve honestly, now appointit to him yearly aucht pennies to be upliftit of ilk neighbour having ane fire-house within the burgh, at sic time and season of the year as he sall think expedient;" and for collection thereof, they instructed the officers "to fortify and assist Charles quhen he sall require them, and poynd and ward for the duty as effeirs." The apportionment of this exaction upon those having fire-houses, or houses with fire places, was no doubt made in accordance with an ancient custom whereby such

[1] Insufficiency.

persons had been required to pay the charge for ringing the curfew, which proclaimed the time for covering up their fires.

1593. Nov. 28. A new bell was procured for the tower, probably from Holland. By command, "Thomas Man, Thomas Trail, and John Schewan, merchants, coft for twelve hundred and twenty-seven merks, the gryt bell now hung in the steeple of the burgh. And in contentation of all expenses made be them and of the profits, the Council assignit the mails of the mills of Pitkerro, till they be completely payit, and na langer." This, no doubt, was the great bell which the rebels, upon obtaining possession of the town in 1745, rang with such vehemence that they broke a piece out of its brim, and which thereafter continued to clang discordantly until 1819, when it was recast. The weight of it is now only about twenty hundredweight, but the old one is said to have been much heavier. After it was hung, "the Council nominat and electit James Jameson to be bellman, to quhom they disponed the office with all casualties belanging thereto during his service and their pleasure. And James hes given his ayth for faithful administration of the office, according to the injunctions to be given to him be the Kirk and Council."

1603. Oct. 18. The curfew time used to be nine o'clock, but this was changed to ten, at which hour the great bell is still rung. It was probably at the time this change was made that the custom of pealing the lesser bell at eight o'clock began, a practice which has been discontinued only quite recently. The ringer received additional payment for his increased labour. "The Council, in consideration of the extraordinary pains enjoined to Richard Bruce anent the ringing of the bell at ten hours in the nicht, appointit to him yearly ten merks for that service, by his former ordinary fees."

WITCHCRAFT.

Although the inhabitants of Dundee did not altogether escape from the contagion of witchcraft, they had not to witness such dire holocausts as were made in some other towns, of the poor old women

who claimed, or obtained the credit, of dealing with the spirit of evil. We find one notice of a general justification in 1569, when "my Lord Regent Murray, passing to the north, causit burn certain witches in Sanct Andrews"—one of them being a notable sorcerer called Nic Neville—"and, in returning, causit burn ane other company of witches in Dundee,"[1] probably on the Witches' knowe; but we have no knowledge of any other such pitiful sacrifices having been made in the burgh until a century had elapsed, when poor Grissel Jaffray was burned at the stake, testifying as she died against other witches, who, however, do not appear to have suffered as she did. During that period, the only reference to the mania in the Council records, occurs shortly after the King's marriage, when "James Carmichael and Patrick Lyon were nominat Commissioners to Edinburgh for keeping the Convention of the Estates the 6th of this instant May, anent order to be tane with sorcerers and certain practisers against his Majesty's person; and ane commission was ordained to be made to them conjunctly and severally under the privy seal." This Convention was called for the trial of the irrepressible Earl of Bothwell for alleged complicity with certain witches, who had conspired with Satan to raise a tempest and wreck the ship in which the King was bringing home his bride. An assize was then sitting upon the witches, in the business of which his Majesty felt special interest, and took an active part. After they were put to the torture, the weird women made extraordinary confessions of their diabolical doings—in particular regarding a meeting which they had with the evil one in North Berwick Church, when, after the casting of sundry spells upon the King and Queen, they concluded their revels with a dance, the music for which was played by Geillis Duncan upon the trump or Jews' harp, and this she repeated at the trial, upon his Majesty's request, for his particular delectation. Some of the poor women, before being burned, had implicated Bothwell as a confederate, and he was arrested, "protesting that he ought not to be committed on the evidence of the devil, who was a liar from the beginning." "Being delatit for treason against his Highness' person, and for intending the destruction thereof be necromancy and witchcraft, he was committit to ward within the Castle of Edinburgh, but he broke the ward and

1591. MAY 4.

[1] Diurnal of Occurrents.

eschewit furth thereof;"[1] and so the Convention for his trial was not held. He afterwards entered into a more dangerous alliance with certain border ruffians, and made several attempts to carry off the King's person. But these having been frustrated, he fled from the country, and thenceforth caused no further trouble.

PROVISION FOR SUPPORT OF THE POOR.

After the time of the Reformation, some provision was made for helping the poor by a system of gathering contributions in the Church, which were taken charge of and distributed to the necessitous by an officer of the session called the collector. These funds were sometimes supplemented by the benevolence of charitable persons, who either devised or conveyed endowments for the good purpose. "George Spense, burgess, being movit of zeal and gude affection to support the puir, mortifeit and disponit heritably to the indigent househalders within the burgh, the twa laich volts under the new tolbuith, with the backhouses and pendicles thereof," and also the "twa heich buiths; togidder with ane annual-rent of six merks awing to him furth of the common mills; the rent of the haill, which extends yearly in free money to thretty pounds ten shillings six pennies," to be "haldin be the collector of the almous, under the condition that he sall yearly bestow and wair the [amount] upon aucht bolls aitmeal and aucht bolls coals, to be distribut to the puir be the advice of the Council, and the ministers and elders of the Kirk. The meal to be keepit in ane volt under the new school in St. Clement's kirkyard, quhilk the Council has appointit perpetually for that effect, and for the keeping of sic uther voluntary contributions as it sall please weill disposed neighbours to dedicate to the use above written." Notwithstanding George Spense's good purpose, his perpetual gift to the poor has long ago disappeared, together with sundry other similar endowments.

1592. MAY 19.

An accumulation of the church offerings having taken place, the

1610. JUNE 30.

[1] Act. Par., III. 538.

session resolved to invest the amount, and they lent it out on interest. The Council acknowledged having received from Robert Stibbles, reader in the Kirk and "collector of the contributions grantit to the poor, in name of the ministers and session, the soum of five hundred merks, quhilk they have convertit to the weill of the town in payment of ane debt, and of quhilk soum they hald them weill satisfeit; and, renuncing the exception of nocht numerat money, therefore dischairged Robert and the session of the amount." The "brod" collections would be in small coins—which indeed seem to have been devised for charitable use, the Estates in the fifteenth century having ordained that "copper money, four to the pennie, be cunzeit for almous deeds to be done to puir folk"[1]—and counting placks, bodles, and doits—of which three, six, and twelve respectively, went to the value of an English penny—would have proved so tedious that the Council rather accepted the tale as correct "nocht numerat." They bound themselves to redeliver the money "to the behoof of the poor" at any term when it might be required, paying fifty merks of annual-rent; "and for security, disponing the feu-mails furth of the seven heich volts under the new tolbuith, and the rent furth of the laich volts, extending to thirty-one pounds ten shillings; and for the remanent, a rent of thirty-one shillings four pennies furth of the auld tolbuith, and of six shillings eight pennies furth of the tenement upon the west end of the flesh-house."

At a later time, after a succession of bad harvests, there being much destitution within the burgh, the ordinary provision for support of the poor was found to be inadequate. The Council felt themselves bound to provide for those belonging to the town, but they objected to
1636. Feb. 23. entertaining aliens; so, taking "consideration of the frequent resort of strange beggars to the burgh, more nor to any other place of this kingdom, whereby their own native beggars are heavily prejudiced, they all of ane mind and consent concluded that there shall be ane voluntary contribution demanded from all the free-hearted burgesses, for expelling of the strange beggars and entertaining of their own native beggars: and this to be essayed with all convenient diligence. Providing always expressly, that before any contribution be granted, the strange beggars shall be wholly expelled forth; and also that the contributors be no

[1] Act. Par., II. 86.

longer urged for payment but for the space of ane year, and until the Council be forder advised thereanent." The work of selecting the town beggars and putting away strangers proved to be so difficult, that more than six months elapsed until persons were appointed "to receive the voluntary contribution for the maintenance of their own native poor remaining within the burgh." This was ordered "to be upliftit monthly, and to continue to be paid during ane year," and eight burgesses were nominated to be distributors thereof.

But the voluntary system of raising this poor rate was, after a trial, found to be only partially successful; and the distress still continuing, the ministers—who, as we shall see, had two years before signally failed in doing what they felt to be their own duty toward the poor, by divesting themselves of certain funds which should have gone to the Hospital, and had, therefore, lost faith in the efficacy of voluntary effort—took out letters of horning against the Council, for compelling them "to choose stenters to stent all the inhabitants proportionally in ane monthly contribution for maintaing the poor decayed persons within the burgh." In obedience to this charge, the Council immediately 1637. Mar. 31. appointed stenters, and shortly afterwards, when it was found that two whom they had named "were presently going to sea, in consideration of the weightiness of the matter," they then chose others to supply their places, and all gave their oaths for faithful performance of the duties. These stenters, having experienced some difficulty in arriving at a principle on which to make the assessment, went to the Council for instructions; and they, on considering the matter, most judiciously and wisely decided "that those who had offered a voluntary contribution should be stented according to their own offer," and that the rates thus fixed should guide the assessors, "according to their conscience, knowledge, and ability," in dealing with the others "who were able and had not offered." So the stenters "accepted upon them the chairge, and promised to meet on Monday efter the prayers" to proceed with it.

When this method of rating had become established, the Council, Oct. 31. finding that the poor were always with them, devised a regular system for the collection and oversight of charitable funds, under which they appointed two kirk treasurers, "whose office shall be to receive all money quhilk is offered be monthly contribution, all money quhilk is

offered at sea, all money quhilk is collected at the Kirk doors,[1] and all annual-rents quhilk are in use to be payed to the clerk of the session in name of the poor;" and who shall "mak compt of their intromission in presence of the Council, and of the ministers, elders, and deacons of the session." There was considerable difficulty in getting persons to fill these offices. At the following term, James Cochrane, merchant, was elected to be one of the treasurers, and he accepted the place and undertook its duties; but for some reason, probably because of the growing troubles with the Kirk, he did not proceed to perform them. So the Council met, "and ordained that if at any time heirefter any inhabitant shall happen to be lawfully chosen to a public office, and shall refuse to accept it, from that time forth he shall be incapable of any office of magistrate or kirk, or any other whatsomever." This decree not having been retrospective, did not apply to the case of James, but they found a way of bringing him within its reach; for, immediately on pronouncing it, they proceeded from the Council-house "to the re-vestrie of the little East Kirk"[2]—the place where, by immemorial usage, all formal elections were made—and there resolved to appoint only one "Kirk treasurer to exercise the office heirefter, and they being thereanent ripely and weill advised, nominat James Cochrane to bear it"—thus giving him the work of the two treasurers. And this he durst not now refuse, for he had been looking forward to being elected a Bailie, and could not submit to have himself declared incapable of office. The Council having found him to be amenable, they became disposed to relax their rigour; and when he went before them, "and declared that he was unable to discharge his office except he had some ordained to receive the monthly contribution, fra whom he should tak in their compts and be comptable for the same to the

[1] The new liturgy which had just been promulgated, appointed that the alms of the congregation should be presented as an offering upon the communion table.

[2] The re-vestrie, or back vestry, which adjoined the north aisle of the chancel, had formerly been the chapter house of the Church. Above its groined vaulting was the upper or over re-vestrie, to which there was access by an outside stair. This apartment having a low arched roof, narrow windows, and a stone bench round its walls, was a fitting place for an ecclesiastical prison—a purpose to which it had probably been appropriated. It was, however, used at this time as a muniment room—"the Kirk writs being imput in ane chist in the over re-vestrie."

Council," they admitted the hardship of his position, and appointed two others to assist him. He evidently profited by the lesson he got, and did his work diligently, for, at the following Michaelmas, in recognition of his services, they elected him to be a magistrate.

Thus it was that the first regular system for the support of the poor became adopted and established in the town. The Council having multifarious duties, ceased after some time to take practical part in its management, and this consequently devolved upon the session only, who thenceforward took charge of the funds, and administered them for behoof of the parish poor with more or less efficiency until a recent time, when the adoption of a general Poor Law established a different and uniform system.

MEETINGS OF THE GENERAL ASSEMBLY AND OF PARLIAMENT IN DUNDEE.

In the spring of 1597, there must have been considerable bustle in Dundee, for a meeting of the General Assembly of the Church was then held there, and also a Convention of the Estates of Parliament. The Assembly met upon the 10th of May, probably in the East Kirk, and was well attended, King James being present and taking an active part in the proceedings, especially in bringing the leaders into conformity with his views regarding the removal of the excommunication previously passed upon the rebel Lords Huntly and Errol, on condition that they publicly renounced the errors of the old Church. James Melvill tells, with much dry humour, of how the King exerted his authority to secure the election of a Moderator to his mind, and also to guide the business of the meeting; and how upon all men of any mark, influence "was practised be Sir Patrick [Murray], and sic as war already won, brought to be acquented and to confer with his Majestie, This was the exerceise morning and evening, diverse days. On a night at even, I sitting at my supper, Sir Patrick sends for me to confer with him in the kirkyard. I, rising from supper, cam to him. The

matter was anent my uncle, Mr. Andro [Melvill], whom the King could nocht abyde. I would do weill to counsel him to return hame, or the King would discharge him. . . . 'Surlie,' says he, 'I fear he suffer the dint of the King's wrath!' 'And trewlie,' said I, 'I am nocht fearit but he will byde all!' . . . Upon the morn before Assembly time, I was commandit to come to the King and Mr. Andro with me; wha entering in his Cabinet, began to deal verie fairly with my uncle, but theirefter entering to touch matters, Mr. Andro brak out with his wonted humour of freedom and zeal, and there they heckled on, till all the house and close baith heard mickle of a large hour. In end, the King takes up and dismisses him favourably." At the meeting, "by voting and dealing the King's will was wrought," and the Assembly removed the excommunication against the Lords, who shortly afterwards at Aberdeen were received into the bosom of the Church with great solemnities. The majority also "devysit certain Commissioners to have power to convene with the King. The quhilk, as experience hes proven sen syne, hes transferrit the haill power of the General Assembly in the hands of the King and his ecclesiastical Council."[1]

The noisy wrangle between the British Solomon and Andrew Melvill had taken place in Whitehall Close, where, according to a constant tradition, which we may almost accept as verified, there appears to have been an ancient royal residence. This was rebuilt by James VI., and occupied by him on the occasion of his frequent visits to the burgh before he went to England. Until the recent demolition of the old closes in this quarter, some remains of the arched underbuilding of the King's house were in existence. These consisted of four massive vaults communicating with each other, and having various curious little recesses. In a corner there were remains of a great stair, and passing down through one of the abutments was the circular shaft of a carefully built well. The vaulting carried a more modern superstructure, in which and in the neighbouring buildings there were a number of hewn and sculptured stones—fragments, no doubt, of the old erection. On their removal, some of these stones were seen to have been subjected to the action of fire, and upon the arches were pieces of lead which had evidently run down molten; so we may con-

[1] Diary, 415-417.

clude that the place had been destroyed by burning. In the outer wall was built a quaint and curious sculptured representation of the fall, which had probably formed part of the internal decorations. The broken lintel of the principal doorway was placed over a window at the other side of the close, and another fragment of it was found underneath the floor, at the time the ruins were removed. This stone has upon its centre the royal arms of Scotland—a shield bearing the lion rampant surmounted by a crown with the unicorn supporters, and the legend IN DEFENIS—and on ribbons extending along its length the mottoes:—

FEIR GOD · · OBAY ZE KING · · KING IAMIS 6 · · LOVE THY N—

Underneath is the date 1589, the year of the King's marriage, at which time the new palace had probably been erected. In the front of the adjoining building toward the Nethergate, an escutcheon was inserted bearing the arms of Charles II., with the date 1660. This, we may assume, had been placed upon the King's house as a memorial of the Restoration; and probably from thenceforward the building had been denominated Whitehall—the name which the locality continues to bear.

The Estates of the realm assembled in Convention on the 13th of May. They had not been previously convened in Dundee since the year 1351. The meeting place was probably in the Council-house within the new tolbooth, which would be sufficiently large for the occasion. There were present—the King, six Earls, five Lords, two Bishops, seven Barons, thirteen Commissioners for burghs, the Lord Advocate, and the Clerk Register—thirty-six persons. The business was of considerable importance, in especial regarding the coinage, and the regulation of foreign trade. An Act was agreed to for fixing the value of gold and silver, and of coined money; another, for providing "that merchants bringing hame bullion for furnishing the cunzie-house, of twelve deneirs fineness," shall receive in return the same weight of current money of eleven deneirs fineness; one, for preventing the scarcity of small money—through the use "of which puir people have oftimes been relievit"—by empowering his Majesty to coin small copper pennies, to which "he is movit of pity for the puir, without respect to ony profit—as, indeed, he neither seeks nor gets na kind of

commoditie be this cunzie;" and another, against usury, by which "the profit for the len of money" was restricted to ten for the hundred. A Statute was passed for prohibiting "the transport of ony grite burn coal furth of the realm;" one, "for retening in the realm the wool which grows within it;" and another, for admitting foreign claith on the payment of a custom of twelve pennies on every pound's worth, excepting English claith made of wool, which, "having only an outward show, and wanting the substance and strength quhilk it appears to have," was ordained to be "altogether restrained in the hame coming."[1]

THE REGULATION OF THE CRAFTS.

1596. JULY 24. The various crafts within the burgh usually regulated their own matters, but sometimes the Council required to exercise jurisdiction over them. "There being certain contraversies standing betwix the collector of the crafts and Thomas Lindsay, goldsmyth, deacon of the hammermen," the collector arbitrarily convicted Thomas "in ane unlaw of ten pounds, and poyndit his guids and compellit him to mak payment." Thomas appealed against this to the Council, but it was little to his profit; for, although "they fund that the collector had done wrang, and ordained him to refound the money"—not, however, to Thomas, but "to the use of the puir—and to pay the [like] amount to the same use for usurping the authority of the Bailies," yet, as Thomas himself had not behaved properly, but had "uttered certain injurious and blasphemous speeches against the collector," they amerced him also in other ten pounds. Probably he was of a disagreeable and quarrelsome disposition, for Christopher Traill, his prentice and servant, who had "oblissed him to serve faithfully and truly in the goldsmyth craft during the haill years contenit in his indenture, and never to remove" himself in "his awn default," ran away "and was absent fra his service the space of forty-six oulks." Having, however, been recovered and taken before the Bailies, "Christopher was sworn to

[1] Act. Par., IV. 118-122.

keep the premises, and to serve as lang space efter the years in the indenture" as he had been away; "and Thomas likeways became bound, and promised to intreat him as becomes, and at the end of his service to deliver him ane stand of clayths effeiring to his estate."

Such a question as this regarding the prentice would, in the usual course, have been settled by the hammermen craft; but a serious contention having arisen between the goldsmiths and that body, of which they formed part, the magistrates decided the matter themselves. At the same time, with the consent of both parties, "they referred the difference betwix the goldsmyths and the hammermen to the decision of the collector, and the deacons of the other crafts." The quarrel was, however, found to be beyond adjustment, and after some months "the Council dissolvit and separated the goldsmyths, their prentices, and servants, fra the society and fellowship of the hammermen craft, and exemit them *simpliciter* fra ony jurisdiction that the deacon may use over them heirefter, and fra payment of all oulklie pennies; providing that they presume nocht to elect ane deacon without consent of the Council," and that they shall only "be tryers of the sufficiency of their awn warks amang themselves, and tak order with their awn prentices and servants in matters concerning their awn craft as effeirs."

The tailors at this time formed an important body, and must have been numerous, as their business was to make the clothes of both men and women. They, however, found that their craft was endangered by unauthorised interlopers, and they appealed for redress to the Council, who "approved ane act made of before in favour of the brethren of the tailzeour craft, quhairby it was statute that na inhabitants sall give wark to ony unfree tailzeours within their houses privately or publicly, under the pain of twenty shillings, upon provision that neighbours sall be readily and timeously servit be free tailzeours at all occasions; and because the said act is commonly contravenit be reason of the exignitie of the penalty," they therefore now ordained "that contraveners sall pay five merks, and that unfree tailzeours apprehendit wirking in the liberties of the burgh sall pay for the first fault twenty shillings, for the second, forty shillings, and for the third, be banished; and [in addition] that the employers of them sall pay to the help of the decayit brethren of the craft the price of the laubour that sall be wrocht." 1600. Oct. 6.

But these further enactments were made only "upon the conditions that if the tailzeours of the burgh exact ony extraordinary duty for their laubour by the common of the country, that they sall be reformit be the Council; and that neighbours sall be servit be free tailzeours and their servants in mending their clayths, as weill within houses as without."

THE EQUITABLE PUNISHMENT OF OFFENDERS.

The magistrates who were appointed to keep order within the commonweal, exercised an arbitrary authority which could only have been possible where it was recognised as salutary, and respected as paternal; and it was effective mainly because of the discretion with which it was used. When they administered justice they did not need to provide specially for enforcing their judgment, as all good citizens held ready obedience to be their bounden duty, and the neglect of it a contempt of authority and a serious offence. Indeed, an offender, if he refused to obey a recognised and lawful order, placed himself at once beyond the protection of the law. This is illustrated by an old statute which says, "Gif ane man find ane thief doing him skayth, incontinent he sould raise the blast of ane horn upon him; and gif he hes not ane horn, he sould raise the shout with his mouth and cry loudly. But gif the thief will not tarrie, but flees and runs away, it is lesum and permittit be the law to slay him fleeing away."[1]

1597-8. JAN. 10. Toward the end of the sixteenth century, the magistrates had

[1] Regiam Majestatem: The Auld Laws of Scotland, 71. In 1607, the Estates, "seeing that the auld Laws of the realm are almost perishit, and that sa mony of them as are extant are written in papers, and altogether incorrect," instructed Sir John Skene, Clerk Register, "who had correctit and reducit them in ane volume, to cause the same to be prentit;" and Commissioners were appointed—the Provost of Dundee being one—to devise a stent for the cost.—Act. Par., IV. 378. On 9th March, 1609, the Dundee Town Council imposed a tax of "twa hundred and forty pounds for the town's pairt of the soum grantit be the Estates to the Clerk of the Register for printing of the Regiam Majestatem."

become somewhat remiss in using their offices, and the Head Court, "In consideration of their grite oversicht in times past in not punishing malefactors and contraveners of the laws made for the weill of the haill inhabitants, be the uptaking of penalties"—through which "lenity and oversicht, not only are evil disposed persons instigat to continue in their wickedness and evil behaviour, but the common warks that are appointit to be repairit be the unlaws lie unædifeit to the dishonour and grite hurt of the commonweill"—therefore ordained "that the Bailies be charged to give compt of the penalties quhilk hes fallen during the time of their office, and gif they be found remiss thereintil, that they sall be haldin to pay them; and for this effect, that there sall be ane buik quhairin the names of the contraveners sall be registrat."

This book, which only records convictions for ordinary assaults, was then kept for a short time, and it shows that justice was carefully and wisely administered, with due regard to circumstances of extenuation or aggravation. When there was a quarrel between parties, punishment was not awarded only to the greatest offender, but to each severally, according to his individual blame. By the old law it was enacted, "That gif ane man strikes ane uther, and maks him blae and bloudie, he quha is blae and bloudie sould be first heard gif he comes first and maks his complaint; for he sould be first heard quhas skayth is maist notorious. And gif they be baith blae and bloudie, he quha first accuses sall be first heard."[1] We find that justice was meted out in accordance with the spirit of this law. When Oliver Ogilvy, mariner, for striking David Hunter, merchant, was fined in ten pounds, and ordered "to pass to the shore where the offence wes committit, and there, bareheaded, upon his knees, to crave pardon of David," David, "for the invading of Oliver with ane whinger," was fined in twenty pounds. When William Saidler, "for striking and abusing indiscreetly Robert Guthrie, his prentice," was unlawed in five pounds, the boy's father, "for pursuing William with ane drawn whinger," was unlawed alike. When Andro Donaldson and his son, "for troubling of David Newtoun," were each fined five pounds, David, for violence done by him against Andro, was fined a similar sum. When John Lowson, "for

[1] Regiam Majestatem, 129.

troublance committit against the spouse of James Goldman in drawing her backwart in the gutter," was made to pay five pounds, Thomas Goldman, "for drawing of ane whinger and pursuing John therewith," was fined a like sum. When certain unruly tailors had been having a riotous time, and John Mitchell, "for casting stanes at Peter Paterson, and George Brugh, for mispersoning him with ane drawn sword," were therefor each unlawed in forty shillings, "Peter, for troublance committit against them," was similarly amerced; but when it was found that they "had hurt and wounded him in the hand and uther pairts of the body," they were then bound under heavy penalties "to enter the tolbuith to satisfy him for that wrang." When John Goldman, "for striking John Lamb with ane whinger," was fined five pounds, Lamb's spouse, for striking Goldman "syndrie straiks in the body," was subjected to a like penalty; and John Lyon, her father, "for irreverent behaviour kythit toward the magistrates quhen they took order with his dochter," was similarly unlawed.

1604. May 29. This virago—this Lyon that should have been a Lamb—was the leading spirit in a turbulent family that caused much disorder. Not long after this, when there was an outcry at some of the deacons because they did not support the disaffection of the crafts toward the Provost's rule, "she unbeset John Sym, deacon of the walkers, in the Murraygait, and struck him with ane grite tree upon syndrie pairts of his body," while her husband—with whom she would seem to have interchanged weapons—"mispersonit him be calling him thief, with other injurious words, and saying that he and the rest of the deacons will be hangit." Then William Mureson, who was with them, "contemptuously took off the deacon's bonnet and cast it on the Murraygait Port," and together they beset "and violently compellit him to gang to the browster house and drink his sylver." When the poor man had been rescued out of the clutches of his assailants, they were put in ward until they should give him satisfaction. That was an evil time for the deacons. On the same day, Thomas Guilde, cordiner, "callit Gabriel Symmer, his deacon, ane mensworn man, and nocht worthy of his office," for which he was ordained "to tyne his freedom and mak amends to Gabriel."

INDIGNITIES OFFERED TO MAGISTRATES DURING A TIME OF DISORDER.

Although the magistrates, while exercising their paternal offices, were usually held in much respect, "and reverencit and obeyit as becomes," their authority was sometimes disregarded, and even treated with contempt by turbulent and insolent persons. This insubordination especially characterised the time during which Sir James Scrymgeour held the office of Provost, when it would seem as if regard for lawful government and good order had become unsettled by his injudicious and impolitic rule. "Alexander Smyth, merchant, spoke slaunderously against the magistrates, saying that there wes na justice within the burgh, but only culzeons[1] maintenit for oppressing of honest neighbours." Having been called to account for this speech, he, however, "acknowledgit and grantit that he had spoken the words rashly upon wrath conceivit be the hurting of his brother-in-law, and that he wes not able to prove them be ony particulars, and therefore referrit himself in the will of the Council;" and they, with dignified forbearance, pardoned the indecorous offence; although, shortly afterwards, they had to fine him for mispersoning Patrick Ramsay, the keeper of the steeple, and likewise for striking "a citiner of Breisina." When an officer, at command of Bailie Schewan, "wes convoying a common water measure for serving ane Englishman stranger quha wes loissing his corns at the shore, Ninian Johnston," who had been using it, "did violently reave and tak it fra him, and uttered certain irreverent words in presence of the Bailie, saying, that he will avow he had done him wrang gif he were the best Bailie in Scotland." For this unbecoming language, Ninian was convicted in an unlaw of five pounds. "James Kynnaird being commandit be Bailie Lovell to enter his person in ward till he satisfied ane decreet, contemptuously disobeyit, and pat hand in the officer;" for which he was declared to have "tint his

1603. JULY 12.

[1] Mean fellows.

libertie," and was ordered "to crave pardon at the Bailie upon his knees."

1605. May 2. As Bailie Ramsay was standing upon the "Hie Calsay foranent the Mercat Croce, John Fernie, baxter, abused and vilipendit him be lifting of his leg scornfully and flinging at him, and be setting up of his nose and thrawing of his face at him; and being commandit be the Bailie to pass in ward for his behaviour, he disobeyit wilfully, and pat hands" to the officer and offered him impediment. After John was "put in ward for this misbehaviour and disobedience," a number of his associates followed to the tolbooth, and William Strathauchine, cordiner, "cam and importunely pressit the Bailie to put him to liberty, alleging that he wes full of drink; and because Thomas Clayhills, one of the Council, who stood by, answerit and said thir words, 'Lat him stand till he be fresh,'" he, Monorgoun, and Jack thereupon "drew their daggers and cutlasses in presence of the Bailie, aither for pursuit of him or of Thomas Clayhills, and then raised sic a commotion within the burgh as wes likely to have put the haill inhabitants in arms and bluid." When these swashbucklers were subdued, and charged before the magistrates for the riot, "Strathauchine answerit and confest that it wes true that upon some irreverent words given to him, he drew his dagger in presence of the Bailie for pursuit of Clayhills, but he meanit no evil to the Bailie;" and, likewise, Monorgoun "confest that because he heard Clayhills injure Strathauchine, quha wes his friend and companion, he drew his cutlass or lang dagger for invading of him; and siclyke, Jack confest that he drew his dagger at the time na way meaning to do any harm to the Bailie." In respect of which confessions, they were each fined in ten pounds, and became bound "not to molest ony peaceable neighbour, nor to bear upon their persons ony sword, lang dagger, or uther lang wappin heirefter." The two companions paid their fines, but Jack could not raise ten pounds, and "his brother deponit in the hands of Bailie Ramsay ane golden ring in pledge of his unlaw." As for Fernie, whose irreverent behaviour caused the tumult, he was "ordanit to pass presently to the Croce, and there upon his knees to ask the Bailie's pardon," and to give security that he would "never offend at ony time heirefter under a penalty of three hundred merks." Notwithstanding this, before many months had elapsed, "he

troublit and molestit Alexander Lovell under silence of nicht, and pursued him for his bodily harm; and the Bailies, considering that he be the act subscryved be his awn hand was bound not to molest ony honest neighbour, decernit him to pay ten pounds presently, but prejudice to the exaction of the haill penalty gif he" again offended. This he did shortly after, by striking another neighbour "under silence of nicht with ane batoun, and then they ordanit him to have incurrit the pain contenit in the former act." After Fernie's friends raised the riotous commotion, and were prohibited from bearing swords, the Council issued the edict, which we have already noticed, forbidding all the inhabitants from carrying long weapons. But Jack did not obey the order and disarm himself, neither did he shorten his weapon, and having quarrelled with Alexander Realman—a man who, however, was often in broils, and had been called a knave—he "struck and invadit him with a whinger, and cast him in ane gutter;" and then at night, in the house of his brother, when Bailie Ramsay was there occupied in making a reconciliation, "he being overcome with drink, misbehavit himself maist undutifully be drawing of ane durk," (which might have been considered a domestic weapon,) "of purpose to pursue the Bailie, and for again invading of Alexander, were nocht he wes haldin back." Next day, when sober, he became very penitent, "and creavit the Bailie's pardon, and referrit him in his will anent the assythment," which was thereupon fixed at other ten pounds.

A few weeks thereafter, two young men, Harrie Symmer and John Scrymgeour, having had a quarrel, "and committit certain wrangs and troublances against each other," Bailie Ramsay "commandit them to keep their lodgings till the Council took order" with their offence. Symmer conformed himself to this command, but Scrymgeour disobeyed, and "at aucht hours in the nicht, accompaneit with" two friends, "he came to the house of Mr. William Ferguson," physician, (which stood about where the lower end of Union Street is now,) "quhairin Harrie Symmer wes wardit, and there enterit in within the pizzett[1] in the close, and pressit to have enterit within the house for pursuing of Harrie for his life, and then mispersonit him and menaced and boistit him, desiring that he suld come down to the close and

[1] Or piazza, a covered entrance.

debate their wrangs." But the hot-headed youths were kept apart, and both of them, together with Scrymgeour's abettors, were put into prison until they should make payment of suitable fines.

1605. Oct. 22. Captain John Gray, who had command of a company of soldiers which was quartered in the town, was a violent and blustering fellow. "He yesterday at efternoon cuffit Patrick Gourlay, cordiner, upon the calsay of the burgh, and theirefter, being desyrit be Bailie Lyn to pass to the tolbuith that order micht be tane with the offence, he refused" with contemptuous swagger, "and said he wald nocht ken a Bailie; and thereupon certain of the said Captain John his soldiers, drew their swords and troublit the quiet estate of the town," so that it was necessary to raise the inhabitants in arms for the restoration of order. When the Captain was charged to answer for the outrage, his courage began to evaporate, and he got some of his friends to try and hush the matter up by persuading the cordiner to withdraw his complaint. "The collector of the crafts by[1] the advice of the Council," as he himself confessed, "counsellit Patrick Gourlay to remit the wrang done to him, thereby purposing to misknaw the Council, quha [in consequence] were offendit in a heicher degree nor Patrick" was at being cuffed; and that poor man, who had borne and forgiven the blows, "was put in ward till order should be tane with him for misknawledging the magistrates in the reconciliation made with Captain Gray, efter he had causit them raise the haill people in arms for repressing of the wrang done to him," and was ordained to compear the next court day to hear himself decerned to be punished. As for that Bobadil, Captain John, he had now become quite crestfallen, and "confest his offence, and creavit pardon therefor, and submitted him in their wills for the same, promising never to offer the like occasion heirefter."

Shortly after this Bailie Lyn received a farther indignity. "Upon Saturday at nicht in John Scrymgeour's house, John Yeaman, merchant, mispersonit him, and callit him ane false beggar knave, and said that he sould get his crown knappit shortlie for his knaverie," as was proved "be the probation of diverse famous witnesses; and because this is ane rare offence of dangerous example, the Council ordained

[1] Without regard to.

the offender to be wardit in the heich tolbuith and detenit therein until it be manifestit to the King's Majesty's Council." We do not know what punishment followed this; but, at a later time, when Yeaman was put into ward "for an injury done be him to James Quhitson, barber," (who is elsewhere designated chirurgian, and had been what was called a barber-surgeon,) he had to find caution "that he should na way trouble nor molest James nor na uther honest neighbour, under the pain of five hundred merks, and this because he hes been diverse times convict in troublances committit against peaceable inhabitants." He was not, however, without friends, for while a burgh officer was "using of his office at the command of the Bailies in convoying of him to ward" for the assault upon the barber, George Hay, mariner, "struck and menaced the officer, and offerit to tak Yeaman furth of his hands"—an offence for which the sailor was put in the tolbooth; but upon expressing contrition for having "oponit and resistit the officer, and uttering penitence in presence of the Council," and on some of his friends promising "in his name that he heirefter suld leive as ane peaceable neighbour, and gif he contravene," that he will be "content to be punishit then for the offence now committit as gif the same were nocht dischairgit, they remittit his offence."

1605. Nov. 3. While Bailies Lovell and Lyn "were sitting in judgement, Thomas Duncan, baxter, in their awn presence, contemptuously reave and destroyit ane obligation of which James Ker, skipper, wes commandit to give him inspection." For thus offending against the acts "made anent persons misbehaving themselves in judgement," he was consigned to ward "till order were tane with him;" but upon John Alasone, baxter, "becoming bound to enter him within the tolbuith quhenever he beis requyrit to underlie punishment," he was put at liberty. The offence was not, however, forgotten, for after a number of months had elapsed, "the Council having considerit the grite injury done be Thomas Duncan in the riving maist contemptuously of James Ker's obligation, it being given to him furth of the Bailie's hands," and finding the offence to be "rare, and a dangerous preparative," they ordered him to pay thirty pounds therefor.

William Low, deacon of the hammermen, having been "chairgit be Bailie Goldman to pass to the tolbuith"—for what cause is not

specified, but the deacon was noisy and violent, and shortly before this had threatened "to cast ane stoup in the face" of a brother smith—"he contemptuously disobeyit, saying thir words, that he wald nocht pass to the tolbuith at that time, quhairby the Bailie wes moved to lay hand upon him and to convey him there." For this disobedience, the Council decerned the deacon "to have tint his freedom within the burgh for ever, and ordained that his name be deleit furth of the lockit buik."

John Lowson, younger, an outrageous man, living to landward—who had already been convicted for cuffing some of the neighbours, and for "drawing Thomas Goldman's spouse backwart in the gutter," and "for boisting twa ferrymen to transport him and ane stranger woman over the Tay," they not being able to resist in respect he was in his arms—having "under silence of nicht gone to the house of Bailie Lyon, and there troublit him and given his wyiff injurious words, and being immediately brocht to the tolbuith and put in ward, he then affirmit that he wald be revengit on the Bailie." Thereafter, in the presence of Bailies Goldman and Lyon, "he maist irreverently behavit himself be saying thir words contemptuously, with ane covered head, 'I knaw you, they call you William Goldman, and they call you Patrick Lyon,' and be casting up his hand toward his hat and head; and having been desyrit to remain in the tolbuith until order were tane with his misbehaviour, he disobeyit, and brak the ward and ran furth."

1607. Feb. 10. It was not until after six months that the Bailies had John again in presence, and then they found that as he had been "diverse times notit troubling the quiet estate of the burgh, and misbehaving him to the magistrates—specially to Bailie Lovell, in saying to him in his awn presence that he suld be revengit on him for putting of John Lovell to liberty furth of the tolbuith;" they therefore ordained him to pay twenty pounds unlaw, and to find caution that he would never offend any magistrate. "And because he wes oftimes subject to drink, and to sudden passions," they discharged him "from bearing ony wappin upon his person."

The honourable occupation of a tailor has from an early time been somehow subjected to much indignity. Shakespeare makes the violent Petruchio heap a store of fanciful and opprobrious epithets upon the

poor man who attempted to defend the fashion of the gown which he was charged with marring, and lesser wits have assailed those who followed the useful and necessary calling with showers of their shafts of ridicule. The Dundee tailors at this period were not, however, contemptible citizens; their craft held a good position amongst the nine; they did their own part in watching and warding the town, and perhaps caused more than their own share of turbulence and disorder—some of them being, indeed, not undistinguished for audacity as well as courage. Walter Coupar was one of those who troubled the quiet estate of the burgh by violent exploits, performed not only with brawny arms, but also with other weapons. We first find him attacking Peter Paterson, a brother craftsman, "and drawing his bluid," which cost him five pounds; and then "striking Alexander Duncan, goldsmyth, on the face with his nef," for which he paid ten pounds unlaw, and made "amends to the pairtie by passing to the Croce and on his knees craving him pardon," and received warning that "in case he be found a nichtwalker heirefter he shall tyne his freedom." He did afterwards hear the chimes at midnight, and used a more forcible method of aggression. "Upon Saturday nicht, betwix twelve hours and ane hour under silence of nicht, Walter Coupar, tailzeour," with three companions, "cam to the dwelling house of Robert Young, and there cast stanes in at the glassin windows thereof, and with ane grite tree pressit to brak up the door thereof, and menacit and boistit Robert with diverse injurious words;" which "being made evident be certain famous witnesses," he was discharged "of his libertie within the burgh for ever, because he had been diverse times of before convict in troublance." But he did not forego his liberty of speech, and not long after this he used his tongue to some purpose in the Council-house itself, where he exhibited "irreverent behaviour, and uttered menacing speeches in presence of the Provost, Bailies, and Council," for which he was ordered to make assythment and satisfaction.

1607. JULY 16. At his last achievement the doughty tailor was in his arms single-handed against a whole family, as well as the puissance of the law. "Upon the Mercat Gait, Walter Coupar menacit and boistit Charles Goldman, merchant, with diverse injurious words, and theirefter pursued Thomas Goldman, his brother, with ane drawn whinger; and when he

wes commandit be Bailie Mudy," who witnessed the outrage, "to enter his person in ward within the tolbuith, there to remain until the Bailie tryit the offence and took order therewith," he did not yield obedience; and although the Bailie then ordered two officers "to convoy him to the tolbuith, he nevertheless nocht only contemptuously disobeyit their command and refusit to enter in ward, but perceiving Robert Goldman, brother to Charles and Thomas, passing be-west the Croce to the Kirk in sober manner, he invadit and pursued him with drawn whinger for his bodily slauchter. The Bailie behalding the same, he followed with all convenient diligence to have apprehended Walter;" (for the Bailie had been a prudent and cautious man who did not mix in broils with indecorous haste;) "but, notwithstanding, he continuing in his former contempt and disobedience, ran away up the back dykes, and past furth of the burgh," and thenceforth could not be anywhere found; and although warnings were left "at his dwelling house in the town, and likeways at ane uther of his dwellings at the Denmyln, [charging him] to mak answer and be punished," and although "he wes oftimes callit, yet he nocht compeirit lawful time of day biding." So, rampaging with a drawn sword, the valiant tailor disappears from these records up the back dykes, and it might be inferred that, like Rob Roy, he took to the hills and became a broken man. But this was not so, for he afterwards returned like a douce citizen to his board, and applied himself to the use of the tools pertaining to his craft, and by and by was made deacon of the tailors. A tombstone in the Howff records that he died twenty years after this last exploit, at the age of fifty-two, and pithily says:—

"Kynd comarads, heir Coupar's corps is layd,
Walteir by name, a tailzour of his trayde;
Bothe kynd, and trezu, and stut, and honest hartit,
Condol with me that he so sone depairtit;
For I avow he never weyld a sheir,
Haid beter pairts nor he that's burid heir."

A few years after Coupar's escapade, another offender also contemptuously departed furth from justice, but byanother way. "William Bowman, mariner, being chairgit be the officer to come to the tolbuith,

he wilfully refusit; and theirefter Bailie Ferguson having past to his house and requirit him to go to the Provost and Bailies, he past within his chamber, closit the same, and went out at the thak and sklates of the house, and therefra ran to the shore, enterit within ane ship callit the Hoipweill, and keepit it masterfully; and quhen he wes followed be the Bailie, assistit with the constables and uther neighbours, he past furth of the ship, took the ship's boat, and past therein to the sea in grite contempt."

1608. Oct. 25. David Man, merchant, by the probation of famous witnesses, was proven to have given to Bailie Goldman "diverse irreverent speeches, saying that he would nocht acknowledge him to be the Bailie of his quarter; and being wardit therefor, he then brak the ward without ony licence or warrant of ane magistrate; and siclyke, having afterwards been commandit be Bailie Clayhills to enter his person again in ward, he disobeyit the Bailie's command." For this contempt and disobedience, the Council imprisoned him in the tolbooth during their will. On the same day, Thomas Lindsay, goldsmith, was charged with "mispersoning Bailie Clayhills by calling him 'lubbert;'[1] and in respect of sufficient verification made of the word above written," he also was put in ward. 1609. Ap. 25. Peter Paterson, one of the turbulent tailors, likewise spoke "irreverently against the magistrates, saying that he wes as honest ane man as ony of them, and gif they were out of their offices he should quarrel and find fault with them for wrangs done to him;" for which unseemly speech, he was decerned "to have tint his freedom," and ordered "to be wardit till he should mak ane sufficient amends."

Sir James Scrymgeour was this year deprived of the Provost's office, and thenceforth there was an end to the rude disorder and the contempt of authority which had characterised the period of his rule. The burgesses again became law-abiding, and resumed their wonted deference toward those placed over them; or, if they ventured to offer offence, they did it decorously; as when "William Saidler, cordiner, in speaking openly at the bar, said that ane act producit against him wes wrang made, and uttered uther [such] irreverent speeches in presence;" for which, having been convicted, he was ordered to pay twenty merks, "and to mak ane humble amends to the pairties offendit."

[1] Lazy fellow.

THE PRISON.

The prison, which occupied the upper part of the tolbooth, had been neither very strong nor commodious. "The heich volt" was a pretty safe ward, and the iron house was well furnished with fetters for keeping daring criminals in sure firmance, but the other ordinary places were less carefully guarded; and offenders confined therein seem to have been required to concur in their durance before they were held to be secure. "It was concludit that all persons that sall be put in the wards of the burgh heirefter for civil or criminal causes, sall be wardit in the heichest volt of the west end of the tolbuith, without they find caution that they sall nocht eschew, being put in ane mair free ward; and that nane of the Bailies presume to contravene this without the advice of the Council; and gif they fail, they sall bear the burden that may follow upon the eschewing of the wardour."[1] It was also ordained "that ilk stranger and unfreeman that sall happen to be wardit within the tolbuith or uther wards of the burgh, sall pay to the officers quha are appointit to attend upon their service and ludging twa shillings money for ilk twenty-four hours as for jailer fee." But, with jealous care, it was provided "that this present sall be na preparative to tak ony sic duty of freemen inhabitants of the burgh," who claimed to have the privilege of free quarters, when it should happen them to be within the prison. In 1648, Sir Thomas Tyrie being in ward "for grite soums of money," the Council, in consideration that the heich tolbooth where he lies "is an open and unsecure place, and that thereby the town may be endangered in case he should escape, therefore ordained him to be removed to the laich yron house."

1603. JUNE 28.

As we might expect to find, escapes from the tolbooth were not infrequent, and these were sometimes effected with the connivance of the jailers. We have seen that when Thomas Ogilvy lay there for non-payment of the rent of the mills, that the treasurer complained "that he wes depairtit furth of ward, be quhat mean he knaws nocht;"

[1] Prisoner.

and we find later, that through "the grite negligence committit be Robert Gardyne, officer, he being present and having the keys, John Gregorie" was permitted "to eschew furth of the ward." For this oversight, Gardyne "was dischairgit *simpliciter* of his office of serjandrie, and the Council receivit again the wand of office in takin thereof." Robert Fledge of Longforgan, having been "wardit within the tolbuith for the wrang done against John Cuik, baxter, in the hurting and the wounding of him in the left airm," broke the prison and made his escape. No endeavour appears to have been made to re-apprehend him, but "Robert Watson, skipper, and Sir Patrick Gray of Invergowrie became surety" under a heavy penalty to enter him within the tolbooth when required to answer for the offence done to John Cuik, "and for the wrang done to the King's Majesty and to the magistrates in breking of their ward." 1606. Aug. 12.

"James Crombie, mariner, being wardit within the heich tolbuith for ane injury and wrang done be him in troubling" of a neighbour, "his wyiff, and servants in their house under silence of nicht, and likeways for non-payment of certain debts, past furth" with some others "out of the ward about midnicht upon ane tow." Having been apprehended not long after, and brought before the magistrates, he confessed that he had escaped, but alleged that he was "instigat thereto pairtly upon necessity," (meaning that he had been almost starved out of prison,) "and pairtly be the instigation of certain wardours quha wes in company with him; and therefore referrit himself *simpliciter* in the will of the Council; and they, being advised, convicted him in the pains made anent brekers of ward, and ordanit him to compeir personally in the Croce Kirk upon Sunday next before noon in time of preaching, and there to mak open confession of his faults above written, and to utter signs of repentance therefor." John Lyon, who, with his daughter and her husband, had already given the Bailies some trouble, was one of the company that past out of the prison upon the tow, and he having also been again put in durance for that offence, "maist contemptuously did brek the side wall of the tolbuith, and past furth of ward at ane holl quhilk he made within the said side wall." When he was once more apprehended, the Provost and Bailies were incensed at his contempt of the prison, and they 1609. Mar. 28.

decerned "him to have tint and amittit his freedom, and [ordered] his name to be deleit furth of the lockit buik; and, in example of uthers," they ordained him "to pass and enter within the ward publicly"—not in the ordinary way by the door, but "at ane holl" to be made by himself "within the side wall in the same form as that he past furth of." After he had done his part in the edifying public spectacle of entering into prison through the hole, John was required "to pay for the reparation of the wall, and also to mak public repentance in the kirk."

1612. JAN. 14. The prison itself was sometimes a disorderly place. Two of the officers got into their cups, and "committit troublance be aither of them against uthers within the tolbuith;" for which they were convicted, and ordered "to find caution never to be found drunken heirefter, nor troubling ony neighbour," and warned "that if they again offended they would be deposed fra their offices."

RESPONSIBILITY OF THE TREASURER.

The treasurer was frequently required to advance money for the necessities of the burgh, and when he was remiss in collecting it,

1602. MAY 18. had sometimes to make up deficiencies from his own means. "In consideration of the grite debursing made be William Goldman this year in his office to the advancement of the common affairs, the Council promised to remember it thankfully at the making of his compts, and to repair his losses." Whether or not this promise had been fulfilled does not appear; but, at the following Michaelmas, when John Trail, merchant, was nominated to the office of treasurer, he determined not to accept the responsibility, and, although he was then present, it was found that he "had removit himself furth of the tolbuith before the election;" and notwithstanding that the officer "warnit him to return, under the pains contenit in the acts anent persons disobeying to accept public offices, being lawfully nominat thereto," he did not make his appearance. "In respect of this contumacy, and of frequent

disobediences given diverse times when chargit at his dwelling-house to compeir to accept upon him the office, and give his aith for faithful discharging thereof, and also when intimation was made be wreit to his wife and servants, the Council all in ane voice but discrepance, ordanit the officers to pass and chairge him to compeir before them in aucht days; with certification that gif he fails, he sall be deleit furth of the Council, and declarit unworthy of any honour." John still continuing obstinate, at the end of a month he was "deposed fra the office of councillor, and declared incapable of ony public office, and this in respect he was electit treasurer, and being diverse times requirit to accept, under the pain of deposition," and receiving "due intimation thereof be the ministers, deacons of crafts, and officers, he maist contemptuously disobeyit." The Council then nominated another treasurer, who "acceptit and made faith for dischairging the duties;" and as a new condition, "they appointit forty pounds for his fee, or that he sall be free of taxation, in his own option." At a later time, when Alexander Halyburton was elected to the office, he being unwilling to accept it, absented himself from the meetings; but having been "unlawed in forty pounds for his contempt in refusing to come to the Council, being several times warned be the officer," he afterwards judged it prudent to enter on his duties. These he found, on at least one occasion, to be very onerous. A few months after his installation, a sum of money was to be received for the burgh in Edinburgh, and "the Council subscryved ane warrant for the delivery to him there of the five thousand pounds," at the same time requiring him "instantly to deliver the alike soum here to the town's use."

1642. Oct. 11.

ROBERT HOWIE, AN ENERGETIC MINISTER.

On the demission of William Christeson, in 1598, Robert Howie was appointed by the General Assembly to occupy the first charge in the Church of the burgh. He was a native of Aberdeen, and received his education at King's College there. After completing his studies,

he was ordained one of the ministers of that town, and at the erection of Marischal College in 1594, was named its first Principal, and retained both offices until his removal to Dundee. After this took place, the Council of Aberdeen, "considering that Mr. Robert had receavit na reward of the town for his seven years' service, save only his bare stipend, and understanding that he may be profitable to the burgh in Dundee, quhair he now dwells," (probably by sending students to the College,) "thocht meet that he be rememberit with ane sylver caiss weyand twelff unces, quhairin the town's airms sal be ingravit."[1]

At the time of his admission "as ane of the ordinary pastors within the burgh, he received promise that he should have as grite stipend for his service as Mr. James Robertson, but sen his entrie Mr. James having received fifty merks mair, therefore the Council obliged them to pay him two hundred merks in contentation of the fifty merks quhilk he wantit yearly. And siclyke, because Mr. James is now provided to the soum of aucht hundred merks, therefore they bound them to pay to Mr. Robert the like stipend, but fraud or delay;" and, for "mair sure payment of the augmentation, appointit it to be payit furth of the silver duties and victual assignit to the ministry of the burgh furth of the rents and fruits of the Abbey of Lindores; and, for collecting thereof, nominat the master of the Hospital to uplift the years bygane and in time coming."

1603, July 12.

The new minister did not have a time of peace within the burgh, but his predilections appear to have been militant. He was a straightforward and courageous man; and, when impelled by a sense of duty, had little regard to considerations of policy, and was uncompromising in his opposition to what he felt to be injustice. As we shall afterwards see, he took an active part in the endeavour to reform the burghal government, and encouraged the crafts to oppose the domination of Sir James Scrymgeour, Constable and Provost, whose enmity he thereby incurred, and whose influence induced the Council to make complaints against him which caused his deposition from office. In the last of these they represented to the Privy Council "that the flourishing state of Dundee has been fosterit be godlie pastors, quha were nocht only preachers of quietness, but by their awn modest

[1] Aberdeen Council Reg.

behaviour to the magistrates gave example of obedience to the common people;" but that "within thir few years bygane, some restless and ambitious persons within the burgh perceiving Mr. Robert Howie to be of a hot and vehement humour, and of a contentious disposition, they travellit with him to assist them, and sa far prevailed that he hes tane the defence of their sedition upon him;" and although "the Lords of Council had already been moved for the peace of the town to charge him not to repair within the space of six miles of the same, he notwithstanding came to Dundee without licence;" and when they afterwards "removit him to ward within the city of St. Andrews, he likeways hes again disobeyit, and returned back to Dundee to hald the commons upon their course of disobedience." In answer to this complaint, the Privy Council, on 23rd July 1605, found "that Mr. Robert Howie hes behavit himself very factiously against the Provost, Bailies, and Council, and that his remaining" in the burgh "hes been an occasion of disorder and confusion, and an impediment to the reconciling of the inhabitants in that Godlie and Christian love quhilk of auld wes amangst them;" and they therefore declared "him naways to be capable of ony public office, function, or chairge within the town heirefter."[1]

1606. FEB. 14. Upon his deposition from office, the Council "nominated commissioners to convene with Mr. Robert or his friends at Cupar in Fife, or ony other commodious place, and there to mak compt and reckoning anent sic soums of money as the town will be awing to him for his bygane service, or ony uther cause preceding this time;" and they promised "to hald firm and stable quhatever should be done thereanent." These commissioners then "past to the city of St. Andrews, and there conferrit at length with" certain ministers "quha travellit betwix them and Mr. Robert anent the soums quhilk he micht ask or claim, and efter lang reasoning, the persons quha travellit declared that he wes content to accept twelve hundred and thretty merks, by his house mail, in contentation of all that he micht creave for ony cause bygane, providing that ane sufficient security were made for the payment at Whitsunday, 1607, and for the profit on it at ten of the hundred." The crafts of the burgh felt that the minister had been sacrificed for their

[1] Reg. Privy Council—Fasti Ecc., III. 688.

cause, and they tried to induce the Council to accept this proposal. The deacons "declarit that it wes the will of their haill brethren" that this sum should be paid "thankfully to Mr. Robert for his bypast stipend, together with the bygane mails awing for his house;" and then the Council agreed to "become bound to pay him upon provision that he mak and subscryve ane sufficient dischairge of all that he may creave of them for ony cause bygane, also bearing his consent given to his removing fra his service within the burgh." They afterwards subscribed a bond for the amount, although they grumbled "that the last year's house mail awing be Mr. Robert should nocht be allowit, in respect he wes dischairgit fra his ministry ane year preceding his removing fra the house." The bond, however, remained unpaid until 1610, when Provost Scrymgeour was out of office, and then the Council, "with uniform consent but variance," agreed to impose a tax upon the whole inhabitants for the payment of it and some other obligations.

Andrew Melvill having been deposed from the office of Principal of St. Mary's College, St. Andrews, Robert Howie was in 1607 appointed to occupy that place, and he appears to have there shown the same bold and independent spirit which had hitherto characterised his actions. In the following year, when the Church was scandalised by the enforced establishment of Bishops, he supported the new hierarchy, and astonished his brethren by speaking "out of Mr. Andro Melvill's chair—far beyond all men's opinions and expectations—against the haill established discipline of the Kirk, for the authority of Bishops; for the quhilk he wes severely censurit be his Presbytery, and michtilie refutit publiclie."[1]

GILBERT RAMSAY, READER.

In the Reformed Church the reading of the Scriptures formed an important part of the service, and at an early period there were persons appointed to perform that duty. Objections were, however, taken to

[1] Melvill's Diary, 749.

the continuance of such office-bearers, and at a meeting of the General Assembly held in Dundee in 1580, it was declared "that there is nocht sic an office in the Kirk as of simple reading;" and it was enacted "that all readers be tryit within twa years, and gif they have nocht profited sa that they are able to exhort with doctrine, that they be deposit; and that nane be admitted in time coming to any benefice that can do na mair but read."[1] Notwithstanding this, they continued to have a vocation in the Church, and as the episcopalian order gained ground, they appear to have become more firmly established, and to some of them other duties were assigned, especially that of "taking up the psalm in the Kirk." William Kyd was the first reader of the Word appointed within the burgh. We do not know what his income had been, but Gilbert Ramsay, who followed, "had payit to him in the time of umquhile William Christeson, ane hundred pounds yearly by and attour his sustentation at bed and buird;" and afterwards, in substitution of these emoluments, he, during a short time, got "the Vicarage of the burgh assigned to him for his service." While he held possession of this living, "certain of the Council, having tane trial" of its value, reported that it "will nocht extend yearly above the soum of two hundred merks; and the Council, considering that Gilbert can nocht leive thereupon, bound them to pay him during the time of his service the soum of ane hundred merks by and attour the Vicarage." At his death it was found that the town was due to him the sum of one hundred pounds, and the money was put "in the hands of the Hospital master in name and on behalf of his lawful bairns." One of the children had been placed with a farmer at Kingennie, and the Hospital master was subsequently instructed to pay "the soum of twenty-six pounds, being pairt of" the money in his hands "pertening to the bairns of umquhile Gilbert Ramsay, sometime reader in the Kirk, and this for the buird and enterteanment of John Ramsay, his lawful son, in Robert Barrie's house, the space of twa years."

1603. JULY 12.

1609. JULY 11.

[1] Melvill's Diary, 80.

DAVID LINDESAY, SCHOOLMASTER, MINISTER, BISHOP.

The appointment of David Lindesay in 1597 to the charge of the Grammar School was the means of restoring it to the high position which it formerly occupied, and put an end to the injurious rivalry of other schools. The new master, who was a son of the Laird of Edzell, before his coming to Dundee held a similar office at the Academy of Montrose. He appears to have been a man of considerable learning, and to have possessed a natural capacity for governing others, which, having been matured by experience, enabled him to maintain an influential position, whether as master in the school or as overseer in

1603. JULY 12. the church. After he had served for several years, "the Council, upon consideration of the burden of Mr. David Lindesay, master of the Grammar School, condescendit to augment his stipend and fee fifty merks, making in the haill the soum of twa hundred and fifty merks yearly, by the uther casualties and ordinary duties payit be the scholars of the school and their parents." At the same time "they assignit to the Doctors of the school twenty merks of fee mair nor wes appointit to them of before, to be distributed according to the discretion of the master, which augmentation would make in the haill, yearly to each Doctor, forty merks."

Upon the removal of Robert Howie from the first charge in 1605, David Lindesay was ordained minister in his stead. He did not resign the schoolmaster's place on his appointment in the Church, but within

1606. MAR. 23. a year he felt himself obliged to do so. "Mr. David Lindesay, minister, and master of the Grammar School, declared that he wes nocht able to dischairge with ane gude conscience baith the offices; and therefore, upon hope and expectation that the Council sall take consideration of his estate, and that he may have ane sufficient moyan quhairupon he may lieve as ane honest man in his service in the ministry, demittit in their hands the office of mastership of the school, to the effect they may provide ane sufficient qualifeit person to the place."

By the moyan or means provided for the new minister, "there

were three chalders of victual assignit to him as a pairt of his stipend furth of the fruits and rents of the Abbeys of Lindores and Scone," which had some time before been made over, by a general scheme of endowment, for behoof of the ministry of Dundee, and were enjoyed by Robert Howie. But the Abbacy of Lindores having this year been erected into a barony in favour of Lord Lindores, and the teinds, fruits, and rents thereof having also been granted to him, the Council, fearing that "the three chalders were nocht certain," and might be "quarrelled be law, therefore band them to maintain and defend Mr. David in the brouking and enjoying of them during his ministry; and in case the haill victual or ony pairt thereof should be evictit, to provide him sufficiently to as meikle, and mak him to be timeously and readily answerit thereof yearly." Some time after, they found that James Robertson had received for behoof of "his dochter the soum of ane hundred pounds fra the hands of the Abbot of Lindores, quhilk should have been payit to Mr. David be virtue of this assignation; and upon consideration that this could not be gotten presently from the common rents," they instructed the treasurer to refund the money out of the shore silver. Besides the victual, "the soum of ane hundred pounds wes assignit furth of the rents of the Hospital as a pairt of his stipend;" and also "ane hundred merks from the common good, to be payit be the treasurer at accustomat terms."

1609. Ap. 11. Interruption having been made to the payment of the Lindores rents, the collection of them caused the minister "such grite travels and expenses," that it was "agreed to augment his stipend payit be the town ane hundred merks, making it three hundred and fifty sa lang as he serves here; and this without prejudice of the former act made in case of eviction of that quhilk is assignit to him be the plat,"[1] and upon provision that he defend be law upon the town's expenses any action that may be movit anent the eviction." No action was moved, but the victual could not be collected, and the Council found 1610. Sept. 14. "that Mr. David is certainly greatly damnified through unthankful and untimeous payment, there restand awand to him be the space of three years and crops, thirteen bolls meal, thirteen bolls aits, and ten bolls wheat assignit out of the thirds of the Abbey, extending in

[1] General scheme for providing stipends.

silver, according to the prices he wes in use to receive, to the soum of three hundred pounds;" and this they themselves agreed to pay him. They afterwards became bound to give him "ane hundred pounds yearly as price and avail of the victual, together with the soum appointit of before, making in the haill three hundred and thretty-three pounds six shillings eight pennies of stipend, together with his house mail as accustomatlie payit;" and in return he assigned to them "the victual awing to him, and the richt and title to it yearly, and obliged him to concur with them and follow furth all means that sall be devisit for obtening payment baith of the byruns and of the victual in time coming." But nothing further appears to have been obtained, and the teinds of Lindores were irrecoverably lost.

1613. Dec. 2. The careful manner in which he had discharged his various offices was recognised by the Council:—"Taking consideration of the gude, true, and faithful service done in this commonwealth be Mr. David Lindesay, ane of their ordinary pastors, thir sixteen years, as weill in the education and information of the youth thereof in letters and gude manners, as in the dischairge of his office and calling of the ministry; also, of the grite pains taken be him in the recovery of a pairt of the stipend assignit to him be the Lords of the plat furth of the Lordship of Lindores—quhilk hes been awing to him thir diverse years bygane; and having regard to the present burden quhilk he bears in the sustentation of his wyiff, bairns, and family, they therefore bound them to pay him the soum of five hundred merks"—not immediately, because of their present burdens, but "at Whitsunday 1617, without longer delay; and also ane hundred merks for the profit."

1617. Jan. 8. A scheme was now devised by the minister for enhancing the value of his living by the acquisition of a glebe; and some land which had pertained to the old vicars, but to which the Church does not seem to have possessed any better title than Ahab had to his neighbour's vineyard, was obtained by rather questionable means. "Mr. David Lindesay designat ane acre of land callit the Vicar's Acre[1]—quhilk hes pertened to James Cockburn, mariner, and his predecessors in feu-ferm thir mony years bygane—as a pairt of his glebe for serving the cure of the Kirk; and be that mean evictit the acre fra James, for

[1] This may have been, and probably was, much more than an acre.

quhilk the Council promised to give him ane recompense." James was a poor man, who probably owned a share of a small coasting vessel, and he presented a supplication to them showing that he "hes intendit ane tred and handling with sklaits within the liberties of the burgh, as his predecessors hes done of before, quhilk he can nocht gudelie prosecute without he have immunity fra the payment of petty customs," and from these he desired them to grant him relief. So they, "in consideration of the grite chairge he hes of his family and bairns, and for a pairt of the recompense promised to him for his richt and kyndness of the acre of land, declared him to be free of all duty that may be exacted for ony sklaits that sall be sauld be him, or transported be sea to ony uther port." They judged that the sailor's patrimony would be a valuable possession, "as the benefit and commoditie to be received will redound after the decease of Mr. David Lindesay to the common weill of the burgh, in sa meikle as the same will serve for relief of a pairt of the stipend to the ministers heirefter;" and seem to have latterly been pricked in conscience at depriving him of it, for, "on considering the mean estate of James Cockburn, and the grite hurt quhilk he will receive be the designation, and at the special desire of Mr. David—quha" himself has "debursit grite chairges in the recovering be law of ane glebe to the weill of his successors"[1]—they therefore agreed to pay "to James ane hundred pounds in recompense of his loss and damage."

In 1619, David Lindesay was promoted to the Bishopric of Brechin. He did not, however, resign his cure in the burgh, but continued to hold it conjointly with the higher dignity, which gave him the oversight of the churches in Dundee, they being within his diocese. The Council had been unable to pay him the gratuity at the time they promised, and it was not until 1620 that "ane reverend father, David,

[1] When the late worthy and much respected occupant of David Lindesay's charge feued the parish glebe, the writer congratulated him upon the advantage which he had gained. This, however, he explained was only prospective, as it would not be realised for some time; but he added, "Do not put the matter as a heritor in the south did, when a troublesome parish minister was insisting on getting some costly improvement effected —'Not,' he said, 'that it will be for my own, but rather for my successor's advantage.' 'Ah,' replied the laird dryly, 'I wish we had him.'"

Bishop of Brechin, grantit him to have receivit fra the Council and community of Dundee complete payment of the six hundred merks, and in takin thereof subscrivit the dischairge 'Da. Brechin, with my hand.'"

At the coronation of Charles I., within Holyrood Abbey in 1633, amid much new ecclesiastical pomp, at the blossoming time, as it were, of the ritualistic efflorescence which in a short season was to produce such evil fruit, the old Dundee schoolmaster, in magnificent robes, placed the Scottish crown upon the head of the King. The following year he was translated to the See of Edinburgh, and was thenceforth in the midst of the turmoil which prevailed in the Church. When Laud's liturgy was promulgated in 1637, and its use was adventured on by the Dean in St. Giles' Church, it was received with outcries and disorder, and then "the Bishop of Edinburgh, Mr. David Lindesay, stepped into the pulpit above the Dean, intending to appease the tumult, and entreating them to desist. But he met with as little reverence—albeit with more violence, for they were more enraged, and began to throw at him stools, and their very bibles. It is reported that he hardly escaped the blow of a stool," (Jenny Geddes', to wit,) "which one present diverted." On returning from the Church "to his lodging, he was [so] environed and set upon with a multitude of the meaner people, cursing and crowding about him, that he was in danger of his life."[1]

ROBERT NAIRN AND JAMES GLEG, SCHOOLMASTERS.

1606.
MAR. 25. On the day that David Lindesay resigned the mastership of the school, and, evidently by preconcerted arrangement, before the Council adjourned, "Mr. Robert Nairn presentit ane supplication, bearing that he understanding that the Grammar School is vacant be reason of the calling of Mr. David Lindesay to the ministry, and hearing that syndrie are suiting for the same, therefore—in respect that he is ane bairn of

[1] Gordon's Scots Affairs.

the town, and that his gift and calling from his tender years hes been to glorify God in the teaching and bringing up of youth, (nocht aspyring ony heicher,) quhairof he hes given ane sufficient proof in all pairts quhair he hes been, as his testimonials will show—he maist humbly desirit the Council to try his ability for the office, and gif they find him meet for the burden, that they would admit him thereto. Efter reading and consideration thereof, and of diverse authentic and ample testimonials—ane fra the Council and ministers of Linlithgow, and ane uther fra the Rector of the University of St. Andrews, testifying to his dexterity in the upbringing of youth baith at Linlithgow and St. Andrews, and likeways certain letters written to the Provost and Bailies, recommending him as a person very meet to bear the office"—they ordered the supplication "to be presented to the ministers and Presbytery," with the request that they would "try his life and qualities, and report their opinion anent his admission upon Tuesday aucht days. And gif they may find out any person mair meet and qualifeit willing to serve in the office, that they would give their advice and opinion anent him." The crafts had by this time begun to be very jealous of Provost Scrymgeour's rule, and Patrick Hodge, their collector, objected to these hurried proceedings, "and desirit that the Council would likeways hear and receive the petition of ony uther person quha would offer, quhilk they grantit quhensoever ony should be presentit in due and lawful time."

The following week, "certain brethren of the Presbytery compeired and declared that they had tryit the literature, qualification, and ability of Mr. Robert Nairn, by teaching of lessons in the school, by composition, by questions, and sic uther means as they thocht necessar, and in their judgement" he was "meet to dischairge the office of master of ane Grammar School within this or any burgh of the realm." Immediately after this report was received, a candidate favoured by the crafts, "Mr. James Gleg, ane of the Regents of St. Salvator's College," presented himself, "and declared that he wes willing to serve as schoolmaster, and because he wes ane native bairn of the burgh, desirit that efter trial of his qualifications, he micht be admitted to the office. Efter consideration quhairof, at the desire of the collector and deacons of crafts, the Council ordered twa of their number to pass to the Presbytery instantly

and present Mr. James' supplication, and desire the brethren to try his qualification and literature, and report upon the same at sic time as they thocht convenient; in the meantime superseding all forder process upon Mr. Robert Nairn until their answer be returnit."

This would appear to be quite fair, but the ministers knowing that the feeling of the Provost and Council was in favour of Nairn, resolved to have nothing to do with the new man, and they went to the meeting fixed for the election, "and declared that being required to try the literature and qualifications of Mr. James Gleg, and his ability to serve as master of the school, they had concludit that it wes naither æquitable nor expedient" to do so, "seeing that they, at the desire of the Council, had tryit Mr. Robert Nairn, quha wes first presentit to them, and had found him meet for the calling; and that they naither knew nor heard of any cause quhilk would mak him unable, and therefore they would na way interrupt the course of his admission." Then Gleg showed himself to be a man of sense, and "declarit that it wes nocht his will to insist in his suit for planting of him in the school, and past therefra, assenting gladly that the Council should nominat any uther person they pleasit." So the election was to have proceeded, but the deacons were offended at the way the business had gone, and as their presence and concurrence were required at such appointments, for the purpose, no doubt, of preventing the election, they stayed away from the meeting, and went into convention on the matter. "The officer verified that he, at command of the Provost, had warnit the collector to convene the deacons this day in the Council-house at ten hours to give their advice and consent to the election, and that the Council would proceed gif they compeirit nocht;" and they were "oftimes callit, and were sent for to the burial place quhair they were convenit, [yet] they nocht compeirit lawful time of day biding." Then the Dean of Guild, "in respect that the school has this lang time vaikit to the grite hurt of the youth,[1] desirit the Council to proceed with the nomination, but they," unwilling to go on without due and decorous order, "continued the election to the 22d instant, and ordered the officers to warn the collector and deacons to be present."

[1] After David Lindesay was placed in the Church, he had probably given the school less attention, and it would be left to the care of his two assistants.

On the day named the deacons judged it prudent to attend, and the election proceeded with all accustomed formality. "Efter lang treaty, reasoning, and consideration anent the trial of the life, manners, and qualification of Mr. Robert Nairn, and inspection of the testimonials direct in his favour be my Lord Chancellor and President of the realm,"[1] and others "testifying very lairgly his ability and sufficiency, the Council, all in ane voice but variance—[most of] the deacons consenting thereto—electit him to be master of the school during their wills and pleasures, and for na langer space; and requestit the ministers being present to pass with them to the common school for installing of him there, conform to the order observit in the like." Patrick Hodge, however, "disassentit to the nomination for thir twa causes—first, that there were, as he allegit, better men to be gotten in the country; and second, that Mr. Robert had nocht formally made his suit; and likeways, Patrick"—who evidently felt that the crafts had been concussed into giving their consent—"allegit that the Provost should nocht have inquirit the particular votes of the deacons," but that he, the collector, "should be their mouth, and vote for them all."

Robert Nairn began his duties at a time when the pestilence had disorganised the social habits of the burgesses, and their children were not going to school in wonted order. There had been no salary appointed to him, and his income from fees became so small that he began to be in want. So the Council, "considering his indigent estate, and how the school, in respect of the visitation of the burgh with the plague of pest this year past, has been altogether unprofitable, and he having na uther moyan to leive upon but only the quarter duties of the scholars, appointit ane hundred merks to be payit to him;" and the following year, "they grantit him ane stipend of twa hundred merks for his service in the teaching and instructing of the youth in grammar and gude manners." 1607. Ap. 14.

[1] This was the Earl of Dunfermline, who held the office for twenty years, and of whom Scot of Scotstarvet says, that he was a poet who made epigrams, and was a good humanist—meaning thereby that he knew good letters, certainly not that he was humane, for it was he who boasted to the King of how "he had purged the Borders of malefactors, robbers, and brigands—the Lairds of Tynwell and Maxwell, with syndrie Douglasses, Johnstones, Jardines, and Armstrongs, all proud bangsters and thieves, suddenly and in short space cut off without grief to any good subject."

He, however, had held only a short tenure of office when his classical labours came to a sudden end. We do not know whether this had been in consequence of his misconduct, or because his friend, Sir
1610. Dec. 18. James Scrimgeour, had then ceased to rule in the burgh; but the Council resolved to appoint another in his place, "and efter trial be the ministers and Presbytery of the life and literature of" his former opponent, "Mr. James Gleg, ane of the Regents of St. Salvator's College," they chose him "to be master of the school for the space of seven years, and farder until he commits ane crime and fault meriting deposition fra the office." By the agreement made with the new master, he became bound "to instruct the youth of the burgh, and uthers, gentlemen's sons resorting to the school, diligently and faithfully in grammar and uther humane letters usually teachit in ony Grammar School of Scotland, and likeways in gude manners; and to attend upon his calling as he will answer to God upon his conscience, and underlie sic censures and punishments as his crimes and offences sall deserve; and the Council became bound to pay him a stipend of three hundred merks, and to cause him to be thankfully and readily answerit, obeyit, and payit be the neighbours of the burgh, quhas bairns he sall happen to instruct, of the duty of six shillings eight pennies for ilk bairn, within ten days efter the four terms usit and wont—viz., Allhallowmes, Candlemes, Ruid-day, and Lambes; and in case he be not payit, to cause ilk Bailie in his awn quarter mak ready and thankful payment to him immediately." And regarding the duty "that aucht and should be payit be gentlemen dwelling in landwart for ilk bairn that sall happen to be instructed in the school—which was declared to be twenty shillings money at ilk of the terms"—they promised "to hald hand sa far as in them lies to cause him to be payit aither be the bairns' parents, or be the neighbours of the burgh in quhas houses they sall be buirdit." And finally, James became bound "naway to leave his chairge during the space of seven years, notwithstanding ony preferment or mair profitable condition that can be offered to him, under the pain of five hundred merks."

From the conditions here made regarding the punishment of crimes, it may be inferred that Nairn had been superseded for committing some offence. After a few weeks, he formally "demitted and

overgave in the hands of the Council the office of schoolmaster within the burgh for certain soums of money, gratitudes, and gude deeds done be them to him, consenting" that they "provide for any uther qualifeit person thereto, and allowing the election made be them of Mr. James Gleg." The two teachers did not, however, become friendly, for they had a quarrel—perhaps a fight—regarding which we only know that Gleg was the aggressor, probably upon much provocation. "Thomas Halyburton, skipper, actit himself as caution and lawburrows, under the pain of five hundred merks, for Mr. James Gleg, master of the Grammar School, that Mr. Robert Nairn, sometime schoolmaster, sall be harmless and skaythless of Mr. James in his person, gudes, and geir otherways nor be order of law." 1612. Aug. 26.

The new master, who had been an accomplished scholar, and wrote Latin verses, some of which are preserved in the "Poetæ Scotigenæ," did such "gude and ready service to the commonweill by painful diligence" in his office, that, after a few years, he received "ane pension of forty pounds, by his ordinary stipend, to be applyit to the payment of his house mail." And when he had "faithfully attendit on the education of the youth of the burgh, and of diverse worthy personages of the country, sixteen or seventeen years—always blameless and worthily applaudit of all—the Council finding that the quarterly acknowledgements of his scholars these diverse years hes not been able to defray the chairges of his family in the meanest sort, therefore, in compensation of his bygane losses, and upon hopes of his dutiful carriage in time coming," granted him a gift of five hundred merks, to be paid in the course of three years.

1636. Aug. 9. At a later time, when his circumstances had again become necessitous, "Mr. James gave in ane supplication to the Council, bearing, that quhair it hes pleased God that he hes served in the school now almost twenty-six years with fidelity and care as he were able, and hes never burdened them with craving any augmentation of the conditions grantit in his first indenture, against the custom of all those who hes served aither in his place or almost any other—albeit, it be of verity that any in his place at his entry for ane good number of years, might have served contentedly be reason of the cheapness of victual and other provisions for maintenance of ane family—yet the truth is, that

the prices of all things are so doubled now that he is not able to serve on his former condition, except he exhaust the little remanent of his means, (as he hes already spent the greater pairt of them,) and he therefore humbly requested their worships to lay down ane solid course for his help thereanent." In answer, the Council, after "being ripely advisit, found it to be ane dangerous preparative to grant any augmentation to his former condition," but having regard "to the true service done be him in educating the youth in good letters, and knawing he is of present intention to put Thomas, his eldest son, to the College, of quhom they have good hopes that he may in progress of time prove profitable to the commonweill," they therefore resolved to "freely grant his son ane hundred pounds yearly during his abode in the Philosophy College in St. Andrews."

1645. JAN. 28. After more years, the master—now grown old in the town's service—presented a petition "fra himself and the Doctors, craving that they may be better provided, quhilk the Council reserved to be discussed till their number be more frequently convened." But it was then a time of national alarm; before many weeks elapsed the town itself was burned by Montrose and his Highland and Irish host, and the claims of the schoolmasters were suffered to remain unconsidered until the following year, when, because of their "mean condition, every one of the Doctors was appointed to be payed fifty merks yearly." And subsequently, when it was found "that they were not able to serve for fifty merks of standing fee, the Council in ane voice ordanit fifty pounds to be payit to them;" at the same time instructing some of their own number "to deal with Mr. James Gleg anent ane augmentation to be grantit to him—now in his old age—and to report their diligence that day aucht days."

1649. JAN. 23. It is pleasant to know that the matter was not again put aside, and that the old man was not left in want. The Council felt that it was "incumbent on them to omit no means which may encourage all quha hes chairge in training their young ones up in the science and knowledge of letters, and better enabling them to be staidabill[1] to the burgh heirefter;" and as "Mr. James hes taken extraordinar pains in attending in the school thir thretty-aucht years bygane," so that it

[1] Of trustworthy standing.

"hes flourished be his indefeasable care, prudence, and discretion, to their great contentment, therefore they found themselves obliged to give him some acknowledgment for his encouragement—now in his old age—to continue in his chairge, and ordanit that two hundred merks be addit to" his stipend. They, however, with prudent forethought regarding the claims of future masters, "declared that this gratuity is not out of any consideration of the smallness of his former provision, quhilk they think was sufficient, nor may be induced as ane preparative to grant the like to any quha sall succeed," but that it is given on account of "his personal deservings, and long and useful service." James Gleg died probably in 1653, at which time another master was appointed.

THE JANITOR.

1612. Dec. 15. A humble but useful contemporary of James Gleg also had his services substantially recognised. "Because it hes been an auncient custom observit within the burgh, that the janitor of the Grammar School should be benefitit and aidit be the liberal giving to him daily of bread and meat be the native bairns of the burgh, scholars in the school, and their parents," and this having "fallen in desuetude be reason of divers abuses that fell out thereupon, the Council, in recompense of the said aid and benefit, have statute that the parents of ilk native bairn teachit in the school sall pay to Alexander Busbie, the present janitor, four shillings Scots money yearly, at the feast of Pasche and upon the aucht of September, be equal portions, and that the bairns of strangers pay six shillings eight pennies yearly; and for his bypast service in the school," they instructed the treasurer to pay him ten pounds. 1650. Jan. 1. After he had for long performed his duties, "the Council taking to their serious consideration the extraordinary pains taken be Alexander," (the surname is now written "Birsbean," but it may be reasonably concluded that this is due to the irregular orthography of the time,) "the janitor of the Grammar School, and of his readiness

late and ear in discharging his office therein the space of years bygone, and of his willingness to do the samin during his lifetime, all in ane voice, for the said Alexander his better lyvellit[1] in time coming, appointit the hospital master to pay him oulklie twenty shillings, and thir presents to be extractit and subscryvit for his better warrant of the premises."

THE MUSIC SCHOOL.

When the besom of the Reformation swept out of the Church much cumbrous and vain splendour, it did not leave those lighter decorations which had given to the service artistic and pictorial grace, and music and the other arts ceased to be associated with worship. The solemn organ and the sweet voices of the singing boys became hushed, and the mellifluous old tunes were purposely spoiled by the drawl of him who gave out the line or took up the psalm running discordantly through their harmony. But this enforced suppression of sweet sounds did not suit a people already possessed of national music, and whose songs and melodies seem to have grown out of each other spontaneously, so there came a time of reaction when it was once more found good "to make a joyful noise with psalms," and when provision was made for training the children in the art of harmony and song—a culture which continued to be much encouraged until later puritan times. The Dundee Music School was established somewhere among the ruins of the nave of the Church—probably in one of the aisles which had escaped destruction. The foundations of several of the pillars are yet left under the Steeple Church near to the tower, and these are so massive that we may infer that part of the superstructure had remained until then sufficiently entire to serve for the schoolhouse.

1603. July 12. The earliest master of whom there is record was John Williamson, who at first received a yearly payment of six score merks, and afterwards, "in consideration of the burden and chairge he sustenit of his family,

[1] Livelihood.

and the exigencie of his stipend, had disponit to him during his service in the Kirk" in leading the psalmody, "the feu-mail of five pounds quhilk he is haldin to pay to the master of the Hospital furth of his tenement callit the ruid land, upon the shore head," for which he subsequently received a yearly discharge.

At the time when the Grammar School had been inefficiently conducted by Nairn, a new master was placed in the other, to whom the additional duty was assigned of teaching the younger children to read and write. "Mr. John Mow, musician, bound him to attend diligently upon the Music School, to instruct the youth of the burgh in music, and also in writing and reading; and siclyke, to tak up the psalm in the East Kirk daily before the prayers in the morning and evening, and upon the ordinar days of preaching before and efter the sermon; and farder, to read there upon ilk Sunday before the preaching, as weill before noon as efter noon, as he sall be directit be the minister." For performing these various duties, the Council appointed to him "two hundred merks in name of stipend, by and attour the profit and commoditie that he may mak be the casualties of the Music School;" which they fixed to be, "for ilk scholar that he sall teach to sing, quarterly, thirteen shillings four pennies, for sic as sall be teachit to play on instruments, twenty-six shillings eight pennies, and for the young anes that sall be instructit in reading and writing, six shillings eight pennies." Farther, they promised that "in case they found his charge to grow be ane family, and his service to deserve it, to augment his stipend upon their own discretion;" and in the meantime—he probably being yet a bachelor—"to pay Mr. John his chalmer mail." He evidently performed what was expected of him, and before three years elapsed, "for his service in teaching the youth in music and for taking up the psalm in the Kirk, they grantit to the master of the Sang School the soum of one hundred merks, by and attour" his former stipend, besides twenty pounds for his house mail. The next year there had been a larger number of youths in training, and it was resolved, "for their advancement, to grant to ane Doctor, to serve under Mr. John, a yearly pension of ten pounds."

1609. Oct. 10.

With the increasing prosperity of the school, some improvements were effected on the nature of the teaching. "Mr. John Mow

1614. Feb. 22.

having received twenty pounds, and ane burgesship and price thereof extending to forty pounds," became bound "to deliver to the Council and community ane pair of fine virginells, in gude and sufficient estate, and failing" the performance "thereof, to pay three score pounds." The instruments which he had hitherto taught his pupils to use were probably only the viol, the flageolet, and the lute, besides which the rising youth may have been instructed to blow into the national bagpipe, so we may assume that the introduction of the virginal into the school marked a new era in musical training, and denoted a great improvement in taste and culture. This instrument, which in some respects resembled the modern pianoforte, of which it might be considered the prototype, had been for some time in use. Queen Elizabeth, who was an accomplished woman, was very vain of her proficiency on it, and our own Mary used to enliven the gloomy halls of Holyrood with its sparkling sounds.[1] It had not, however, yet become common in ladies' bowers; but the quiet season during which the British Solomon ruled the kingdoms with his pedantic wisdom was favourable to the growth of the peaceful arts, which, until the stormy time of civil war, seem to have flourished even in Dundee, and the burgers' fair daughters, as they gathered those other subtle graces which spoil the peace of men, learned to tinkle upon the virginal under the tuition of the worthy master of song.

The school became so prosperous that there was no need to assign any further increase of stipend to "Mr. John Mow, the principal musician," but in acknowledgement "of the faithful service done be him in his function," and his family having apparently increased, he
1636. Oct. 18. received ten pounds augmentation for his house mail. The schoolhouse was found to be incommodious, and had become so dilapidated that it required to be reconstructed. "Taking consideration that the Music School, lying on the west side of the kirkyard, is for the present

[1] When Sir James Melville was ambassador at the court of England, he tells us that Elizabeth one day cunningly contrived that he should hear her performing upon the virginal, and then, with the art of an envious rival, desired to know of him if his mistress played well? To which the courtier discreetly answered, "Reasonably well for a Queen." But having been pressed pertinaciously, and questioned whether his Queen or she played best? he found himself obliged to give her the praise.—Memoirs, 125.

ruinous and likely to decay, the Council, all of ane mind, condescended with all convenient diligence presently to cause re-edify it," and they instructed "the treasurer to have a care to oversee" the work, "and to deburse the necessary charges."

John Mow, as reader in the East Kirk, claimed to have a right to certain dues from the town's salmon fishings, and he raised an action against the tacksmen to recover them. But the Council persuaded him to agree to a compromise, and "he declared that, during his service at the Kirk, he should crave nothing for the vicarage of the fishings except fifty-eight shillings annually, quhilk they were content to give of courtesie."

1637. Aug. 22. The position of "schoolmaster in the Hill of Dundee," had been of very little value, when James Fithie was content to leave it, and be "admittit to be a Doctor under Mr. John Mow, for educating and learning of young children and bairns to read Inglische books," on a stipend of ten pounds yearly, "giving his aith *de fideli administratione*." James was, however, afterwards promoted to perform some of John Mow's multifarious functions, he having been "appointed to attend in reading in the West Kirk upon the Sabbath day, and also in taking up the psalm in the East Kirk on the week days," for which he received a yearly payment of one hundred pounds; and some time later, for his service in "taking up the psalm in the West Kirk quhen there wes preaching there," he got fifty merks additional. He must have thriven very well in his offices after he left the Rotten Row, for in 1648, "James Fithie, precentor, lent the Council the soum of ane thousand merks, for quhilk they subscryved ane band."

1647. Nov. 23. After the death of John Mow, "there was liberty granted to James Harvie to tak up the Music School and writing;" and it was agreed "that quhen the ministers shall be consulted, he shall be heard for taking up the psalm in the Kirk, and if his voice should be found fitting, to be preferred to the taking up the psalm, and to have such allowance therefor as James Fithie hes." His voice was found to be quite suitable, and next week his appointment to the school was confirmed, and a table of his fees arranged. It was "thought fit that James Harvie, who is now allowed to teach scholars music and writing, shall tak for ane quarter's duty of those that shall learn both music

and writing, forty-six shillings eight pennies, and for those that shall learn music only, threttie shillings, and for those that shall learn to write only, sixteen shillings and eight pennies; and this act to be extended to burgesses' bairns only," for other children he might charge higher. These rates are much above those fixed for John Mow when he was placed, but the new teacher did not receive any salary, and had to depend wholly upon the fees.

1650. Feb. 12. The school having thriven under James, it was judged expedient to enlarge the building by adding an upper room, and some of the Council were "nominated to put over ane gallery fra the schoolhouse door west the schoolhouse wall, to contein the youths of the burgh to write and sing music." But next year the town was besieged and spoiled, and the kirkyard lay reeking with carnage, and the singing of the children was hushed, and the Music School was closed, and the master himself was gone. Nine months afterwards, when the commonweal was slowly recovering from its overthrow, the Council tried to restore the school, and "taking to their consideration how that it is now destitute of ane master, and being informed that George Runseman is expert to teach all vocal and instrumental music, they admitted him to be teacher in the samin school, and ordained him to have the highest room in the churchyard for his scholars to be taught in, and to have yearly fifty pounds payed to him" in addition to the usual fees.

PUNISHING OFFENCES COMMITTED OUT OF THE TOWN.

1603. Dec. 31. Sometimes the burgh magistrates were called upon to take cognisance of offences committed by burgesses in places beyond their jurisdiction. Ose Black, flesher, had made himself obnoxious "as ane common couper and regrater of the markets of cattle within the burgh, specially in buying diverse times thir three years bygane fra neighbours certain quick cattle, quhilk he coupit and sauld quick to syndrie fleshers in Edinburgh." One day while engaged there in that traffic, he was assaulted by another flesher, and upon his return to the town he

went before the Bailies to seek for justice upon his assailant; and they convicted James Watson in the striking of Ose Black, in Edinburgh yesterday, upon the face to the effusion of his bluid, and ordered him to pay five merks unlaw." At the same time Black was charged with having been then engaged couping cattle to the injury of the burgh, and he having "confest the accusation to be of truth," they ordained him "to remain in ward till he find caution for the payment of the fine contenit in the Act of Parliament."

1621. Aug. 15. Magdalen Wedderburn, spouse of Thomas Jack, merchant, and Janet Clayhills, spouse of Thomas Wichtane, "being in the market of the town of Perth at Midsummer last, James Gibson, merchant," (who had also been from Dundee,) "mispersonit them in calling of them openly, harlots," and using "uther blasphemous speeches." For this he was brought before the Dundee magistrates, and convicted "on his awn confession," and fined twenty merks, "and he consented, in case he should be heirefter tried for uttering any slanderous speeches against these persons or any uthers," that he would pay one hundred pounds.

1625. June 16. John Bruce, mariner, having been with a vessel at Alloa, he committed an assault upon a tailor there, and afterwards made his escape and came back to the town. He was, however, accused of the offence before the Bailles "sitting in judgement within the tolbuith of Dundee," and having been found guilty, he became bound "of his awn consent na way to trouble nor molest Normand Pet, taileour, indweller in Alloa, his wyiff, bairns, servants, family, guids, or gear, under the pain of banishment from the burgh in time coming; and became content and consented, if he be apprehendit therein heirefter, that he sall be burnt in the cheek." Burning upon the cheek, usually done by branding a letter with a hot iron, was in Scotland a recognised punishment for incorrigible offenders, although in England the mark was in early times put upon a man for a different reason. If he had committed a serious crime he might, by proving that he was able to read, obtain the benefit of clergy, and so escape punishment; but, as he could only once have this immunity, he was burnt in the hand or "in the most visible part of the left cheek, nearest the nose," to show that he had already received the benefit.

HELPING THE NECESSITIES OF OTHER PLACES.

1604. Jan. 31. The burgh was repeatedly required to assist the necessities of other places. "A voluntary contribution was grantit be the neighbours to the support of the puir and the furtherance of necessar warks in the country, extended to the soum of twa hundred and fifty merks; quhairof there was appointit four score pounds to be sent to Preston Pans, to the support of puir neighbours afflicted with the plague of pest;" "forty pounds to be given to Mr. John Kynneir, minister, for help to the reparation of the Kirk of the South Ferry; twenty pounds to Mr. David Williamson, minister [of Meathie,] for help to the reparation of ane brig upon the water of Carbet; and the remanent, extending to forty merks, to be applyit to the help of the brig of Monifeith." This latter sum was put in the hands of Bailie Auchenleck, and a few months thereafter, "ane ticket was presented subscryvit as appearit be Mr. Andro Clayhills, minister of Monifeith, bearing him to have received the money fra the Bailie for reparation of the brig." When this structure next needed mending, some forty years later, the Council would not themselves help to raise subscriptions, but they made what appears to have been reckoned a great concession, and "gave liberty to [Mr. Andrew Wood,] the minister, to go throw the burgh upon ane market day, and there to desire the charity of all whose hearts God moves for the reparation of the bridge of Monifeith."

1605. July 2. The sympathy of Protestants was always shown toward Geneva. When Savoy endeavoured to subjugate the independence of its citizens, subscriptions were raised in Scotland to aid them in their defence, and certain persons were "nominat to concur with the ministers and elders of the Kirk in Dundee, for the collection of the contribution desirit for the support of the town of Geneva."

1612. Nov. 10. The Council "having considerit ane missive letter direct be ane noble and potent Earl, George, Earl of Marischal, recommending to them the work anent the reparation of the harbour of Stanehyve, and desiring voluntary contributions thereto, they granted, to the help and

furtherance of the work, the soum of twa hundred merks, to be payit to Robert Irving, quha hes the chairge thereof." They found themselves "bound be pains to pay to the reparation of the brig of Almond ane hundred pounds," but they voluntarily agreed "to give the soum of ane hundred pounds to the harbour of Aberbrothok;" and at a later time, when "a supplication was given in be the magistrates of that burgh anent some supply for their harbour," it was resolved "that the soum of two hundred merks shall be paid to them, with this provision, that if it shall happen any supply to be granted be the haill burrows, then this soum shall be allowed in the first end of the town's pairt." In 1618, it was agreed to give the "three hundred merks promised to the burgh of Cupar for reparation of the brunt houses;" and it was also resolved to "make payment of two hundred merks for the reparation of the haven of Musselburgh, promittit at the desire of my Lord Chancellor."

TESTIMONIALS TO PERSONS GOING ABROAD.

The port of Dundee is conveniently situated for continental intercourse, and has always afforded ready facilities for carrying the Scot abroad on his mission of military ambition, of commercial enterprise, or of speculative curiosity. About the beginning of the seventeenth century, when the custom of visiting foreign lands had become more general, a practice was adopted of giving travellers attested certificates, intended to satisfy the authorities of the places where they sojourned of their lawful birth and citizenship, which seem to have served the purpose of modern passports. These were mostly granted for countries and towns in northern and eastern Europe—for Norway, Denmark, Prussia, Poland, Germany, Brandenburg, Pomerania, and Magdeburg; and for Rotterdam, Danskyn, Cracovia, Lovenburg, Elsineur, Stolenburg, Wittenberg, Elsinburg, and Copenhagen. Although France had always maintained considerable intercourse with Scotland, none of the testimonials were for that country, this probably being because

the intimate relationship subsisting between the ancient allies had dispensed with such formalities. The certificates were usually given to sons of burgesses, but sometimes were to landward persons. "Be the probation of diverse famous witnesses, Andro Wichtoun, traveller in Germany, is cognocit to be lawful son to Thomas Wichtoun, in Belle, procreatit betwix him and Margaret Quhittit, his spouse, in lawful marriage, and therefore the Bailies and Council ordain their testimonial to be direct, under their seal of cause, to the town of Wittenberg, testifeing the premises." The evidence of identity was always given with care, although it was sometimes of a negative character:—"In presence of the Bailies, compeirit James Ker, skipper, and Andro Ross, mariner, and testifeit upon their conscience that they knew perfectly that Robert Ross, mariner, past the years of his prenticeship here, and wes of honest fame, and be the space of ten years syne, or thereby, depairtit herefra in ane ship callit the James toward forane pairts," he being then "unmarried to ony person, and as yet hes returned nocht; and thereupon the Bailies ordained ane testimonial, subscryvit be the ministers, to be authorisit with the secret seal of the burgh." A certificate was commonly directed to the state or town toward which the person's business led him, but it might have a general and comprehensive address:—"The Provost and Bailies of Dundee declare, be their great oath, that they know James Strathauchine, merchant, Scottisman, now traveller in forane nations, to be lawfully begotten in marriage betwix James Strathauchine, merchant burgess, and Jonet Robert, his spouse, and therefore they ordain ane testimonial to be direct thereupon, under their secret seal and the subscription of their common clerk, to all Emperors, Kings, and Princes, testifeing the premises to be of veritie."

1604. JUNE 26. James Smart, indweller in Danskyn (Danzig), having died, David Smart, in Bogwell, near Forfar, "produced witnesses before the Council, quha being sworn and examinated, deponit that he was only germane brother and nearest heir to umquhile James, and that they were baith gotten in lawful marriage; quhairupon the Bailies ordained the town's testimonial to be direct to the magistrates of Danskyn under the seal of cause." On receiving this, the senators of Danskyn agreed to send the dead man's effects to his brother, on condition that the Dundee Council

subscribed "ane band warranting that they sall never be troublit for the gudes and geir, or haldin to deliver them to ony uther person nor David," and this the Council consented to, providing the value "exceed nocht twa hundred dollars, or five hundred pounds Scots;" and James Ramsay, minister of Tannadyce, who was also laird of Wester Ogill, "actit himself cautioner for David Smart to warrant the Council of all danger they may incur, at the hands of the Senate and magistrates of Danskyn, be the band." During the following spring the greater part of the money arrived, and the amount proving larger than was expected, the minister sent Smart with a letter to Alexander Wedderburn, the town clerk, desiring that his caution should be for a larger sum:—

"Rycht honorabill and maist speciall guid friend,
My hairtie service promottit. It will please you incert in the act the soum of six hundred pounds, as we spak first, in respect the bearer hes resavit ane pairt of the soum quhairof there restis only ane hundredth, quhilk thai mae detene, alleging the warrand onlie to be for the thing resavit onless it contein the haile soume, for the quhilk I am content be thir presents to be bound in the act, and that the same be merkit, that the bearer tyne nocht his travell, quhais forderance at your hand I haif asseurit him of as ye sall command me to the uttermost of my power, quhilk is bot my dewatye, and as I houpe in God ye sall haif experiance—quha will preserve you.

From Tannadyss, 14 of Maii, these.

Your kyinsman reddye to all power,
J. Ramsay, Mr."

The act was accordingly amended conform to his desire.

THE WEDDERBURNS, TOWN CLERKS.

We have seen that the Wedderburns took an active and distinguished part in promoting the Reformation, and were closely connected with other important national events. Besides the three

famous brothers, the family produced a succession of able men who, for generations, occupied leading and influential positions within the burgh, and also to landward. During more than a century and a half, several of them were successively town clerks of Dundee, each following the other as if the office had been hereditary, and in their guidance of the common affairs holding the confidence of the burgesses. Alexander, who was clerk at the beginning of the seventeenth century, appears to have possessed considerable capacity and learning, the burgh records written by him being remarkable for precision and vigour, and he had a sound judgment, which enabled him to maintain a place of much influence. Robert Edward, in his description of Angus, written in 1678, says, "From the very ancient stock of Wedderburn sprang Mr. Alexander, who became so distinguished by his political talents that James VI., of whom he was a great favourite, frequently solicited his advice in matters of the most secret nature and greatest importance, and always dismissed him with signal marks of the royal favour." Douglas records, "that he accompanied the King to England, and when about to return, his Majesty took a diamond ring off his finger and gave it him as a token of his friendship;" and he adds, that he was "a man of excellent parts, and was trusted by the town of Dundee in all their affairs."[1] After he had held the clerkship for some time, a grant of the succession was bestowed on his son; the Council having agreed "to mak, seal, subscryve, and deliver to James Wedderburn, second son of Mr. Alexander, ane letter of gift of the office efter Mr. Alexander's decease, or demission in case of his inability to bruik the same, until James, in the dischairge" of the duties, "commits ane fault worthy of deprivation." Alexander was called to some important public functions; when the King, at his visit to Scotland in 1617, induced Parliament to pass an Act for strengthening the new order of Church government, by providing for the plantation of Kirks and for the recovery of teinds which had fallen into lay hands, he was one of those appointed to carry out its objects; and the Council, "understanding that it is concludit be the Convention of Burghs that ilk commissioner shall receive five hundred pounds for defraying his charges," agreed to uplift that sum from the burgesses for Alexander. Before he went away "to

1604. July 17.

1617. Nov. 14.

[1] Baronage, 278.

attend this winter season in his Majestie's service, being careful that in his absence his office should be servit, he nominated Mr. James, his son, to be his substitute, giving him power to use the office, as lawfully as any clerk depute within the realm, during his will, and this without prejudice to Mr. James his richt to the office efter his decease." Alexander acquired the barony of Kingennie, which gave a territorial designation to his family. He died in 1625.

During the time that the burgh was disquieted by the contest between the crafts and the Council, James, as we shall see, became involved in civic broils, but after he was called to the clerkship he appears to have performed its duties decorously. Infirm health, however, soon incapacitated him. "Being sick and bedfast, and thereby not able to exercise his office," and in order "that no neighbours should be harmed or frustrat in their particular adoes, he, with consent of the Council, nominat Thomas Fyiff, his servitour, to be his depute during the time of his sickness only, for giving sasines, and doing all things belonging thereto as lawfully as any clerk substitute in the realm, providing always that Thomas mak just compt and reckoning of all intromissions" to himself. He died in 1633, and was succeeded by his nephew, Alexander Wedderburn, younger, the most able and famous of those of the family who filled the office of clerk.

1627. MAY 25.

SIR JAMES SCRYMGEOUR, CONSTABLE AND PROVOST.

The writ of Sir William Wallace appointing Alexander Scrymgeour to be Constable of the castle of Dundee, and investing him with certain lands on the hill above the town, also the west field and the royal meadow, for his fidelity in bearing the royal standard of Scotland,[1] established his family in a good territorial position, and in an important relationship toward the burgesses. The office of Constable was subsequently confirmed to the Scrymgeours by royal charter, and they built a place of strength upon the commanding slopes of Dudhope, which

[1] Act. Par., I. 453.

enabled them to exercise a protecting influence over the burgh. As they then identified themselves with its interests, this was recognised as salutary, and several of them in succession were elected to fill the Provost's place. But, with the lapse of time, jealousies and contentions arose between them and the burgesses, and then their claim of feudal superiority began to be called in question, and the near neighbourhood of their stronghold on the hill became an occasion of frequent quarrels. We have seen that some disputes had been temporarily settled by compromise, but the still recurring assertion of a right to exercise the Constable's authority—which, by the grant, was limited to the castle and its liberties—over the burgh itself and its government, could not be admitted, and was constantly resisted. . The Scrymgeours appear to have been a race of overbearing men, firm in will and strong of hand, as the barons in that rude age usually were, and their relations toward the inhabitants grew to be more strained as civil liberty began to be recognised and burghal order became developed.

James, who held the estates of Dudhope at the end of the sixteenth century, was a man both unscrupulous and daring, who, when he could, laid his hand upon his neighbours with little regard either to law or justice. In 1577, his namesake, James Scrymgeour, "sometime of Athebetoun, and now dweller in Dundee, having acquired in heritage the lands of Clappintoun and Caldernes Grene, was passing with ane officer and ane notar to have tane possession in quiet and sober manner, hoping na evil nor injury to have been done to him, yet, nevertheless, the Constable of Dundee," who had probably been holding the lands masterfully, "with syndrie uthers his complices, efter they had boistit [James], put violent hands on him in his hame coming be the Hie Gait, and perforce carried him as prisoner to the place of Dudhope," and "keepit him captive, and on na ways would put him to liberty again without being compellit." The Lords of Council charged the Constable to let James "pass furth of the place at his pleasure, as our Soverane Lord's free liege," but he did not obey, and was denounced the King's rebel and put to the horn.[1] He had, however, been soon relieved of his disability, as we find him next year in trouble for setting a man too readily at liberty; for, having got charge of Willie Elliot, son

[1] Reg. Privy Council, II. 634.

to Martin Elliot of Braidley, as one of "the pledges retenit for the gude rule and quietness of the Border," he "suffered him to depairt, and was declared to have incurrit the pain of twa thousand pounds."[1] Shortly thereafter, "Walter Ramsay, burgess of Dundee, having made faith that he dreaded bodily harm to be done him by James Scrymgeour," he was ordered "to find surety of ane thousand merks that Walter sall be harmless and scaithless of him;"[2] and the following year he had to give caution, "that he sall not disturb Robert Bruce of Pitlethie in the peaceable possession of the lands of Wallace Craigie," and also, that he shall "fulfil the King's pleasure and will anent the quarrelsome speech usit be him to Bruce in presence of his Highness."[3]

The right, which the Constables claimed, of exercising jurisdiction over the burgh during the time of the annual fair, was frequently questioned, and its maintenance caused much irritation. In August, 1580, the four sons of Alexander Maxwell of Tealing, were attending the market at Dundee, "when they saw an uncle of James Scrymgeour, together with certain [of his] servants, set upon Walter Arnot, a near cousin of theirs, as he was alane ganging upon the Hie Street of the burgh, and cruelly wound him in the head; and fearing that the fury of the people and the force of Scrymgeour's servants suld have disponit upon his life, they thocht it maist convenient that Walter should retire, quhair he micht be in surety, till he war curit of his wound, and convoyit him to the water, and so be boat sent him to the uther side, that he might be harmless and skaithless. Quhairupon James Scrymgeour, as Constable and Sheriff for four days afore and four days efter the fair, challenged the Maxwells to present Walter again to his court." In consequence, a dispute arose regarding his jurisdiction which was referred to the Lords of Council, and they decided in favour of his right, and ordained that "two of the Constable's deputes sit in the tolbuith of Edinburgh, and do justice in the matter."[4]

[1] Reg. Privy Council, III. 42.
[2] Ibid., III. 48.
[3] Ibid., III. 259, 260.
[4] Reg. Privy Council, III. 303. In 1592, David Maxwell, one of these brothers, then laird of Tealing, complained to the Lords of Council that he, having been "in the burgh of Dundee, accompanied only with his son, doing his lefull business," was "passing hame, with certain grite soums of money, about aucht hours at even," when Walter Rollok, James Flesher, and others, armed with jacks, spears, hagbuts, and pistols, "lay at await

James Scrymgeour joined himself to the Earl of Gowrie and the faction that, after the Raid of Ruthven, in 1582, successfully maintained an influence over the King, but when a revolution took place, and the leaders were proscribed, some of his unlawful doings were called in question. "Caution was given by John, Earl of Mar, and Campbell of Ardkinglas, in two thousand pounds" for him, "and two hundred pounds for each of his household men, that George Creichton of Canmay, and his men, sall be harmless of them."[1] Subsequently, he and several others of the Raiders were ordered "to depart furth of Scotland, England, and Ireland within ane month, and refrain in the meantime from coming within ten miles of the King."[2] He, however, joined the Earl of Angus, the Master of Glammis, and those "that seized the Castle of Stirling to the enterteanment of a plain rebellion and public war within the realm, as gif there were neither King, law, nor justice;"[3] but the capture of Gowrie in Dundee, and the failure of support upon which they counted, defeated the schemes of the rebels, and they fled to England, where they remained for some time.

In 1586, on the demission of James Haliburton, James Scrymgeour was elected Provost of Dundee, and he filled that office for several successive years. Before long he recovered the royal favour, and was appointed colleague to the Earl Marischal and Lord Dingwall in an embassy to Denmark for concluding upon the King's marriage.[4] The ambassadors sailed from Leith in June, 1589, accompanied by a noble

for him at the Wellgait Port, quhilk they knew it behuiffit him to pass, and maist shamefully and cruelly pursued him of set purpose to have slain him under cloud of nicht, and to have mellit with his silver; likeas they hurt and wounded him in diverse pairts, especially in his richt arm be striking away the knap of his elbock, and had not failit to have murdered him, were nocht, be the providence of God and his awn better defence, he escaped;" and that thereafter, "they followed him to his house of Wallace Craigy, quhair they searchit and socht him, and rypit the houses and stoggit the beds." He declared that he had given his assailants no occasion of offence, and alleged that murder and robbery had been their object, "they being for the maist pairt deboshit vagabonds, wanting moyan and credit to intertean themselves."—Ibid., V. 12. There had no doubt been some occasion of quarrel to account for this outrage. Maxwell's brothers afterwards joined him in a standing feud against Rollok and Flesher, and, during a number of years, each party was at different times bound under heavy penalties not to harm the other.

[1] Reg. Privy Council, III. 589.

[2] Ibid., III. 624.

[3] Ibid., III. 656.

[4] Act. Par., III. 566.

retinue of knights and gentlemen. The Earl Marischal was well able to bear the charges of such bravery, but Scrymgeour appears to have been straitened in his means. They obtained much credit for the manner in which they "dischairgit the wechtie errand committit unto them," wherein, it was declared, they had "done his Majesty and his realm maist memorable and worthy service deserving favourable remembrance."[1] The autumnal storms prevented the Princess from leaving the north, and Scrymgeour returned to Scotland, probably in the vessel which brought the intelligence. When he reached Dundee, he found that the Council, having also kept him in favour, had during his absence continued him at their head, and "James Scrymgeour of Dudhope, Constable, electit Provost of the burgh at the feast of Michaelmas last by past, gave his aith for the faithful dischairge of the office according to his conscience and knowledge." 1589. Dec. 22.

Apparently in connection with this embassy, there is a matter in which he does not appear to much advantage. In January, 1590-91, William Hopringle, tailor burgess of Edinburgh, who had probably provided the brave clothes for him and his followers, represented to the Privy Council that James Scrymgeour of Dudhope, Constable of Dundee, being indebted to him in the sum of fourteen hundred pounds, had given an obligation for payment to Andro Kynnaird, burgess of that town—a man with whom, through his, "William's easy credit," he held "bands of mutual faith and truth"—in virtue of an arrangement "usit and devisit betwix him and Andro," to the effect that the latter, "dwelling in thai pairts beside the said James Scrymgeour, might get the readier execution—always to William's behoof and profit." But, by Andro's "fraudful dealing" in "not suiting for payment" of the obligation when it became due, no payment was made; and when he took legal measures for enforcing his claim in Andro's name, the latter prevented the execution thereof. By this device, to which we may surmise that Scrymgeour was privy, the poor tailor complained that he "is debarrit fra that soum quhilk is his haill credit, being of griter avail nor his haill substance and [that of] his wyffe, quha is ane person that uses her traffic," and that Andro "hes maist untruly, by the duty of an honest man, deceivit him." The Lords of Council having heard

[1] Reg. Privy Council, IV. 439.

the parties, ordained Andro to pay William the fourteen hundred pounds, or else to execute letters against the Constable for the amount.[1] But it is likely enough that the two succeeded in defrauding the tailor out of the money.

On the King's return to Scotland after his marriage, he bestowed on Scrymgeour the honour of knighthood; and gave him a charter which Parliament confirmed, "uniting his lands in ane free barony to be callit the barony of Dundee—granting the tower and fortalice of Dudhope to be the principal messuage"—with the "richt of the patronage of the Kirk and parochine of Dundee," and also "of the fees and customs grantit be his Highness' maist noble progenitors to Sir James' predecessors, aither as Constable of Dundee for using of the office thereof, or for the bearing of his Highness' banner."[2] In 1594, he was for a time superseded in using this latter heritable office, for the King, being then in Dundee on his way to attack the Gordons, appointed one of his pages "to bear ane cornet blanche" before him. But upon Sir James "claiming to have the place of bearing his Highness' banner," his Majesty declared that the cornet shall not "be usit efter the standard beis displayed," but shall be "rollit up," and that Sir James shall be sustained in his right.[3] In 1600, the office was confirmed to him, "and it was declared that he had the only undoubtit richt of bearing his Majesty's banners, standards, cornets, pinsails, hand-seigns, and other signs and takins of battle and weir, of quhatsomever colour, shape, or fashion, baith on horse and foot, that sall happen to be displayit before his Highness and his successors at ony time heirefter."[4]

After King James was established upon the English throne, and had realized "the oft wished but hardly expected conjunction of twa sa ancient but lang discordant kingdoms," he much desired "that, as they are ane in the head, sa in the body they may be inseparably conjoined," and that, "as the present age is ravished in admiration with ane sa fortunate beginning, posterity may rejoice in the fruition of ane effectual Union of twa sa famous and ancient kingdoms." So, in 1604, commissioners were appointed, Sir James Scrymgeour being one,

[1] Reg. Privy Council, IV. 563.
[2] Act. Par., IV. 90.
[3] Reg. Privy Council, V. 179.
[4] Act. Par., IV. 244.

"to meet with others from England, to treat upon a perfect Union of the two realms."[1] The Convention of Burghs agreed "that ane taxation of sixteen thousand merks be grantit be the haill burrows to outred the persons appointit to pass to England for treating of the Union;" and the Dundee Council "concludit that a taxation be upliftit for payment of the burgh's pairt for outreiking the commissioners to England, quhilk extends to seventeen hundred and twenty merks." Sir James, who was held in considerable favour by the King, took an active part in the deliberations of this commission, which, however, did not produce any practical result.

1604. Aug. 1.

For some time he retired from the municipal government of the town, but, in 1601, he was again elected Provost, and filled the office for eight years in succession, a period during which, as before noticed, his arbitrary and unpopular rule was the occasion of much disorder.

DISCONTENT OF THE COMMONS WITH THE BURGH GOVERNMENT.

In the course of events, the crafts made some endeavours to obtain for themselves a better position in the commonweal. We have seen that, during the reign of Queen Mary, they preferred a claim to have direct representation in Parliament, and we find that, after the time when it was asserted that Dundee was "more civillie" ruled than Perth, because only two of its counciliors were craftsmen, they contended for a greater share in the government of the burgh, by claiming the right to place additional members upon the Council. This was opposed by the corporation and a great part of the guild of merchants, under the influence of Provost Scrymgeour, and a bitter strife became engendered. The crafts, in this contest, were led by Bailie Robert Flesher, a burgess in good position, and by Robert Howie, the minister of the first charge, an energetic man of democratic proclivities, and, although they were not unanimous, yet on different occasions they

[1] Act. Par., IV. 264.

showed a general spirit of insubordination, and committed overt acts of disorder. In December, 1603, "certain seditious persons having unlawfully convocat themselves in arms, be the instigation of Robert Flesher, for ane allegeat indignity done to him in the tolbuith be some of the clerk's friends, and being chargit be the magistrates to gang to their lodgings," they refused, and thereafter "Robert Howie, quha wes present, very seditiously answerit that the Council were all partial, and that he would admit na judges but the deacons of crafts."[1]

While the community suffered from such untoward circumstances, the popular mind was easily influenced by any excitement. Ordinary brawls grew into riots, a rude word caused violent contention, and even the tunes played by the town piper in his peregrinations, affected the public peace and became the occasion of tumult. The duties of this functionary, in saluting the burgesses with early reveille and timeous serenade, were defined, at the appointment of Magnus Anderson, to be "passing and playing throw the burgh every day in the morning at four hours, and every nicht at aucht hours—a service for which" the treasurer became bound "to deliver him ane stand of clothes of the town's livery and colours yearly, and every householder [was held] to pay him twelve pennies yearly for his fee, the officers being required to concur with him and assist gif need beis in poynding for the payment." The business of the town drummer was not to assist at these promenades, but to promulgate municipal edicts by the tuck of his drum, for which he received forty pounds of yearly fee, "with ane stand of new clothes every two years." Anthonie Court, who was at this time the "common piper, having playit some springs throw the burgh to the miscontent of honest neighbours, irritating and provoking some of the inhabitants to grite anger, and apparently likely to breed griter sedition," was therefor "supersedit and dischairgit fra using of his common office throw the burgh evenings and mornings ay and quhill he should get ane new warrant fra the Council;" and further, was ordained not "to play that spring callit 'Tobacco, or the Laird tint his gauntlet,' under quhatsoever uther name, aither privily in men's houses or publicly upon the streets, at ony time, under the pain of banishment."

1604. FEB. 28.

[1] Reg. Privy Council—Fasti Ecc., III. 685.

It is not possible to guess what particular offence there had been in this spring which Anthonie played to the miscontent of honest neighbours. We know that although tobacco had been only recently introduced into the country, it was rapidly getting into general use, and that its consumption was not hindered by the famous "Counter-blaste" which King James, this same year, issued against it; but we cannot surmise what connection it had with the Laird's gauntlet, or how the music, under whatever name, was likely to breed sedition. It is, however, evident that the tune had been adopted by the malcontents as an expression of derision or of defiance toward their opponents, and that even the name of it, unaccompanied by the strains of Anthonie's pipes, had become a shibboleth or faction cry. William Barry, an unruly mariner, who had before been "convict in striking Bailie Lovell's servitor within the tolbuith," and also "in mispersoning William Goldman with diverse reproachful words," on "Mononday last, upon the calsay of the burgh, strak Thomas Davidson in the face with his hand without ony injury being then offered be Thomas to him." When accused, he admitted the offence, and was found "to have incurrit the pains for the giving of ane cuff." But he vindicated the cuff, and charged Davidson with having, "in Walter Coupar's house at ane banquet," and also "in syndrie taverns, ridiculously and scornfully uttered thir words against him, 'The Laird hes tint his gauntlet,' quhilk he referrit to Thomas his ayth." Then Thomas, having been "sworn, deponit that he uttered nocht the words in the house of Walter Coupar, but in some uther places he had spoken them, nocht of scorn nor contempt;" and the admission was held to have justified the cuff he had gotten, and it saved the sailor from punishment.

1604. MAR. 1.

In March 1604, commissioners were directed by the Synod of Angus "to Dundee for pacifying of the troubles there, and they found that Mr. Robert Howie was overbusy" inciting the crafts to disaffection, and they earnestly dealt with him to forbear, but instead, "he unlawfully convocat the number of eight score persons of his faction in the Croce Kirk, and there maist seditiously made them to understand that the commissioners were to depose him, minding to have stirred them up to have tane arms and attempted some desperate enterprise—quhich was very likely to have fallen out, seeing a number of them

shouted, 'What! will they depose our minister? let us make a day of it!' And within a day or twa thereafter, they having made a new trouble in the town quhairthrough grite bluidshed was committit, and perceiving some of the commissioners upon the gait, they cried out, 'There are the men quha wald depose our minister,' quhairby they very narrowly escaped." At this time, "Mr. Robert publicly and openly said that he might raise two or three hundred swordmen quhen he pleasit; and quhen the Master of Gray, the Laird of Lawriestoun, and the Bishop of Brechin tried to pacify the troubles, he convened with Robert Flesher and Walter Rollok and was their proloquitor." A number of "seditious persons of the [baxter] craft having unlawfully deposed their deacon, and for the same, being convenit before the Lords of Secret Council and wardit, Mr. Robert took upon him to be agent and doer for them, received money fra their wyves to make his charges, and keepit conventions with the crafts, sometimes in the Kirk, sometimes in taverns, and sometimes in his awn house; and when the Provost went before the Lords to make relation of the matter, Mr. Robert, publicly from the pulpit, affirmit that he was doing a work of darkness—irritating thereby the commons against him."[1]

The deposed deacon having been restored by the Privy Council, the crafts thereafter became more insubordinate. "It was sufficiently verified that James Fyiff, baxter," spoke "blasphemous words against the Provost, saying that he heard him mansweir himself before the Lords of Secret Council," and, when he "was chairgit be the officer at command of the Bailies to compeir before them to answer" for his words, "he contemptuously disobeyit, affirming that he would naither
1604. Ap. 11. come to Bailies nor Council." Then a number of the commons "made ane great ryot efter midnicht," they having "past throw the town with drawn swords, first to the Croce, and thereat they drank Robert Flesher's skoill,[2] and thairefter to his house, and therefra past west the gait to John Alasone, deacon of the baxters, his house," (he who had been cast out and reinstated,) "and there they strak at his door with their swords, and cried upon him, calling him False traitor loon, he had sauld the toun, with uther injurious words, and fra that they past down

[1] Reg. Privy Coun.—Fasti Ecc., III. 685.

[2] "The respect paid to an absent person, by expressing a wish for his health, when one is about to drink."—Jamieson.

the kirkyaird, keist stanes at John Scrimgeour's dwelling and mispersonit him, and theirefter past with their drawn swords to Walter Rollok's house, and drank ane skoill at his windok, and keist their drink in thereat; and some of the company cried, 'Gif he were at hame he suld have five hundred at his back,' and Patrick Gourlay," the brawling cordiner, said, "Fye! he culd get na fechting." Next day several of these roisterers were put into ward, "to remain and be answerable for their offence before his Majesty's Privy Council, and to satisfie the acts anent nicht walkers and troublers of the town under silence of nicht."

The claim of the crafts for increased representation in the Council was submitted to the Commissioners of Burghs, at a meeting held in Perth in July, and to influence the decision, Howie went to that burgh "with two or three hundred of his seditious complices;" but the Convention pronounced a decreet unfavourable to the demands of the commons, and he returned home and continued his denunciations of Sir James Scrymgeour. "In the pulpit he exclamit that the Provost had broken his aith, doing thereby quhat in him lay to have brocht the magistrates in discredit as violators of their faith, and of new to have raisit the people in arms. And fra that furth till the time of the election, his haill doctrine soundit of alteration of the government, affirming to the people that gif they would choose a Provost for greatness, a Lord was griter nor a Baron, an Earl griter nor a Lord, and a Duke griter nor an Earl, and the Devil was gritest of all. And quhen, as some of his faction began to be afraid of their doings, especially for misregarding of his Majesty, quha had recommended the Constable of Dundee to be their Provost, he upbraidit them as betrayers of a gude cause, and said that rather nor the present Provost were continuit, that Michael Hall, (who was a puir contemptible creature of the town,) suld have" the office; "and said that it was mair agreeable with reason that ane quha had come in at the town end with a creel on his back a year syne suld be Provost, nor ony gentleman."[1]

The daring philippics of the minister stimulated the feeling of the commons against Sir James Scrymgeour's rule, which had never been popular, and now, because of his opposition to their demands,

[1] Reg. Privy Council—Fasti Ecc., III. 685.

became obnoxious. The authority which the Constables claimed to exercise over the burgh was the cause of frequent disputes, even when their sway had been kindly and feudal service was readily rendered, but now that the burgesses had become more independent, and one so haughty held the place, and almost claimed to be their Provost in virtue of that hereditary office, a more hostile feeling arose, and the crafts, with some of their friends in the Council, resolved on making a bold effort at the election to unseat him. This was not, however, to be easily effected, for the King was his friend, and used the royal authority to sustain him by instructing the Privy Council to order that he be continued in his place of Provost without election, upon the plea that he was then engaged in the treaty for the Union—an order which the malcontents endeavoured to make ineffectual by obtaining a legal suspension against it.

1604. SEPT. 4. At a meeting of the Council, the deacons being also present, "Sir James Scrymgeour declared that there wes ane chairge be the Lords of the Secret Council, direct to the Bailies and Council of the burgh, for preventing the day of the election of the magistrates and continuing him as "Provost, in respect he wes employed to pass to England in his Majesty's service, quhilk chairge," he said, "he wes never of purpose to use; nevertheless, he wes informed there is ane letter of suspension in name of the Bailies, Council, and uthers having vote in the election, for suspending of the chairge, upon some wrang and untrue narrations quhairin he is challengit as ane breaker of faith, promise, and honour." He then inquired peremptorily at each "of the Bailies, Council, and Deacons, quhidder gif or nocht they had given command to raise the letters of suspension, or that they allowed thereof; quha answered all severally that the same wes raised by[1] their knowledge—except Robert Flesher, Thomas Man, and Andro Flesher, quha gave na direct nor clear answer thereto. Quhairupon Sir James askit acts."

SEPT. 18. At a meeting for nominating the new Council, "conform to the decreet arbitral anent the form, pronouncit be the Commissioners of Burrows, James Low, ane of the Council for the crafts, in their name, as he declared, disassentit to all pairts of the decreet quhilk may prejudge any richt, libertie, or immunitie grantit to the free craftsmen

[1] Without.

under deacons. William Hill, ane uther of the crafts, likeways disassentit; and Robert Goldman, collector, declared that the crafts had done na thing in their times prejudicial to their estate, and in case ony thing prejudicial to their auncient privileges be done at this time, protestit that they may be free thereof." Then Bailie Robert Flesher "affirmit that the crafts said they had ane warrant to have four of their number upon the Council;" and he "declared that the election aucht [not only] to be conform to the decreet, but likeways to the twenty-ninth Act of the fifth Parliament of King James the Third, and the fifty-sixth Act of the seventh Parliament of the same King; and in case the Council proceed to elect utherways, protestit for remeid and reduction." The former of these Acts ordains "that na Captain nor Constable of the King's castles, quhat town they ever be in, sall bear office as Alderman or Bailie,"[1] and the latter, "that four worthy persons of the auld Council be chosen to the new Council, to sit with them and have power with them to do justice."[2]

"Anent the desire of the crafts that four of their number may be of the Council, conform to some auncient richts quhilk they allege hes been grantit to their predecessors, the Council answered that, because these richts are nocht knawn to them presently, they can nocht agree to the desire, but will keep to them their privileges quhairof they are in possession and reserve their richts—gif ony be—as accords." And they "concludit that there sall be only twelve persons upon the Council, thereof ten of the Guild and twa of the crafts, by[3] the Provost, Bailies, Treasurer, and Dean of Guild, conform to the forty-sixth Act of the eleventh Parliament of King James the Second, and to the law and custom observed be certain of the best reformit burrows of the realm." (This Act merely says "that there shall be eight or twelve persons of the quality of the town, chosen of the Council and sworn thereto."[4]) Bailie Flesher "disassentit to this conclusion, because, as he allegit, the number was nocht sufficient to govern the inhabitants, and because the conclusion, as he affirmit, was nocht agreeable with the Acts of Parliament."

1604. SEPT. 19. The Council "being then of purpose to proceed with the election, Robert Flesher and others presently raise fra the Council-house buird

[1] Act. Par., II. 95. [2] Ibid., II. 107. [3] Besides. [4] Act. Par., II. 43.

and oponit themselves to the proceedings, and Robert Flesher and Andro Flesher said thir words, 'The election sall nocht pass in that manner!'" and left the meeting. Their withdrawal prevented the nomination from going on, as it was held necessary that all should be present on such occasions, "and because it wes sa interruptit, Sir James Scrymgeour and the remanent persons of the Council protestit for remeid against them, and declared that, were nocht the said molestation, they were ready to elect the new Council."

On the following day, Robert Flesher and his friends assembled in the tolbooth, and proceeded to elect a Council and Magistrates from amongst themselves, and these, for some short time, assumed the functions and exercised the powers of the legitimate authority; but they have left no record of their acts.

During this time of civic revolution, Robert Howie, like a second Rienzi, "movit the multitude of the town not only to disassent fra the ordinar election, but with that, maist unlawfully and seditiously, to make a pretendit election of their awn, quhairin they made choice of a number of the principal ringleaders of the faction to bear office, and knowing that this unlawful election would be quarrelled, he thocht to have maintenit the same be way of force, and to that effect he convocat a grite number of the multitude of the town in the Kirk, and"—this tribune of the people—"himself standing in the lettrone with the bible in his hand, took all their aiths that they would abide be" those elected, "and acknowledge them and na uthers for their magistrates."[1]

1604. Sept. 28. Measures were, however, taken for continuing the municipal rule in the direct succession. "For obedience of ane chairge given at command of my Lord Chancellor and Lords of the Secret Council, certain persons of the Council of the preceding year," and also most of "the auld deacons were convenit in the Council-house—the newly electit deacons although likeways chairgit" to be present, and "oftimes callit, yet nane of them compeiring lawful time of day biding, except Alexander Kynmonth." Then James Primrose, "clerk of the Privy Council, presentit twa letters, ane thereof direct to [the Town Council] be our Soverane Lord, signed be his Highness' hand, of the date at Assebie,[2] the 28th day of August, desiring that Sir James Scrymgeour

[1] Reg. Privy Council—Fasti Ecc., III. 685. [2] Ashby-de-la-Zouch.

of Dudhope, knycht, suld be continuit Provost for the year to come;" and the other "of the date at Windsoir, the 20th day of September instant, direct to the Lords of Privy Council, commanding them to see the desire of his Majesty's former letter obeyit at the time of the election. Efter reading and considering the quhilk letters, the persons of the auld Council and the auld deacons, having resolved with all humility to obey the desire and command of the letters, electit Sir James Scrymgeour to be Provost," and filled up the other offices. A concession was made to induce the commons to yield, and "to remove all questions that may fall in to impede the election," by appointing three craftsmen, and this "because the deacons allegit that they had ane richt quhairby they suld have four; but it was providit that, gif the brethren produce nocht before the next election ane sufficient richt quhairby they should have four, fra thynefurth the number sall be brocht back to twa only, according to use and wont." It was also agreed "that, gif their be ony ma nor[1] ten persons of the estate of the Guild and merchants nominat heirefter upon the Council, the number for the pairt of the crafts sall be augmentit proportionally."

One man seceded from the opposition. "Patrick Yeman, ane of the auld Council, cam and declared that upon the 20th day of September, he wes of ignorance inducit and persuadit to give his vote to the election of ane uther new Council and Magistrates nor [those] electit this day, quhilk he acknowledgit to have been unlawfully done be him, and therefore revokit his vote and consent given to the uther election, and approvit this present to be the only lawful one;" but the others of the revolutionary party, being obdurate, "were summoned to compeir and answer before the Lords of Secret Council at Perth." The valiant minister did not desert his friends, but "past with them and moved four hundred of his complices to gang with him to Perth," and this army "he convened on the Inch and of new took their aiths, and before the [Privy] Council was proloquitor for them, and kythit[2] himself as a pairty."[3] But their numbers and his arguments were without avail; they were found to be in the wrong, and the lately elected deacons were decerned to be deprived of their offices, an ordinance which was publicly carried into effect.

[1] "Any more than." [2] Manifested. [3] Reg. Privy Council—Fasti Ecc., III. 685.

1605. MAR. 26. There had been a lively and grotesque scene at the Dundee market place, when James Crichtoun, King's messenger, standing upon the platform of the Cross, with sound of trumpet, "proclaimed our Soverane Lord's letters, direct be deliverance of the Privy Council, declaring his Highness' will towards the collector and deacons of crafts, and discharging them of their offices for their mutiny and sedition; and commanding the deacons of the year preceding to use the offices this present year." The defeated commons, clustering around the Cross, or standing on the hanging stairs and galleries of the quaint timber-fronted houses, did not receive the royal edict with much respect. "Andro Iydell twice or thrice interruptit" the herald in his office, "and nocht contentit therewith, maist tauntingly and ridiculously mockit him publicly, be blawing and sounding with his mouth as gif he had ane horn and trumpet, in high contempt of his Majesty and Council." Then David Gray, the noisy pewterer, "lying over his stair foranent the Croce, hearing Patrick Ramsay nominat and chairgit to supply the place of deacon of the hammermen now dischairgit, and he being ane quha wes chairgit to obey Patrick, maist contemptuously uttered thir words diverse times, saying, 'Patrick Ramsay, hangman!' in high contempt of our Soverane Lord and his Highness' authority, and thereby doing in him to draw on ane new commotion within the burgh." And then Patrick Gourlay, cordiner, now forseeing better occasions for "fechting," "uttered thir words in a very seditious and dispiteful manner—'There [sall] be sair shulders and skins within the burgh before that ony uther persons are permitted to use the deacons' offices!'"

These turbulent craftsmen having been brought before the Council, it was found "be the probation of diverse famous witnesses, sworn, receivit, and examinat, that Andro Iydell had soundit scornfully with his mouth," in contempt of the herald's trumpet as he made the proclamation, and he was "layit in the irons till his offence should be farder punishit." It was proved that David Gray "had mispersonit Patrick Ramsay, his deacon, in calling him hangman, at the Mercat Croce, and had done contempt to our Soverane Lord," and he had to find security that he would enter ward when required to undergo punishment. But not long after, he personally "abused Patrick by call-

ing him false thief and traitour, and saying that, quhen he past to Perth to assist the magistrates before the Lords of Council, he had gane a thief's gait, and they were thieves that sent him; and he was then fined ten pounds, and bound never to molest ony neighbour aither in word or deed, and never to bear ane sword or lang dagger within the burgh, because he had been diverse times convict in troublance notour and manifest." As for Patrick Gourlay, it was found that he also was guilty, and, "having been tryit of before to have been a nicht walker and troubler of the quiet estate of the town," he was "wardit in the heich tolbuith" till "order should be tane with him."

In spite of these punishments, the new deacons did not receive much reverence. "David Mudy, quha wes lately deposit fra his office of deacon of the tailzeours, offendit John Nicoll, present deacon surrogat be the Lords of Council, be calling him overbusy in the using of his office, and was ordained to acknowledge his offence to the deacon," and, as he had not given up the insignia, but was "present haiffer and keeper of the common buik, box, and standarts of the craft," he was ordered, "for a declaration of his obedience, to deliver them to John, the present deacon."

After the commons had been worsted, Robert Howie, "fearing that the burden of the rebellion would be layed upon him and Robert Flesher, he, to exoner them and to make it a common cause, got a testimonial subscrived, bearing that the subscrivers confessit that they had importunately pressit Robert and his complices to pass to the tolbuith and make the election; and then he past with this letter to London, in the company of James Isack, ane excommunicat murtherer, quhom he himself excommunicat, and keepit company and familiarity with him all the way, and at his coming to London he presentit himself to some of the Lords of Council quha were there," but he was sent back to ward in St. Andrews.[1] A number of the charges made against him having been substantiated, he was shortly after, as we have seen, deprived of his office of the ministry in the burgh. Robert Flesher was put to the horn for the part he took in the illegal election, and an Act of the Privy Council stood against him during a number of years.

1605. Sept. 18

At the time of the next election, the crafts still insisted on their

[1] Reg. Privy Council—Fasti Ecc., III. 685.

claims. "The collector declared that there should be na griter number upon the Council nor twelve, and that there should be four of them craftsmen. To the quhilk the Dean of Guild answerit that the desire should nocht be grantit, because, past memory of man, the craftsmen had na ma upon the Council nor twa, and therefore, he allegit, that there aucht only to be twa now electit." After some discussion, the Council concluded that, for another year, three of the crafts would be admitted, but declared that, if they could not establish their right to four, "they sall then have only twa," and refused to admit a claim which they preferred to nominate their representatives themselves, as that should be done only "be the haill auld Council." No attempt was made to prevent the election of Sir James Scrymgeour, and he was continued in his office. In the course of the year, he, for a considerable time, had been "furth of the realm in England" upon the business of the proposed Union, and during his absence he appointed William Duncan to be Provost Depute.

Although the violent civic broils had been suppressed, the town had not settled down into its usual quiet estate, and much disorder and ill feeling continued to prevail. Amongst the quarrels which had arisen there was "ane grudge standing betwix James Wedderburn," son of the town clerk, and Robert Rollok; and the King, who probably thought that he had already done something to promote burghal harmony, made an endeavour to settle it by "directing Mr. Andro Lamb, Commendator of Cupar and preacher to his Majesty, to preach and treat peace betwix" the parties, "as his Majesty's special servant quhom his
1605. Oct. 7. Highness hes thocht meet for that effect." So this day, "about nine hours in the morning, efter that Mr. Andro had travellit, with the assistance of some of the elders of the Kirk, to reconcile" the quarrel, "he obtenit the pairties' consent thereto;" but David Blyth, mariner, "stayit the reconciliation, and dissuadit Robert Rollok therefra, affirming that it would avail na thing without all their friends were first reconcilit; and thairefter, quhen, as Mr. Andro fand fault with him, and callit him ane evil neighbour, and said he suld accuse him as ane stayer of the peace of the town, David answerit that he cairit nocht for his challenge, he had been before the Secret Council of before, and he knew quhat a man Mr. Andro wes; and [said] that he wes as honest a

man as Mr. Andro, and that his father wes as honest as Mr. Andro his father; and farder, sayit he knew that Mr. Andro would rail against him in the pulpit as Mr. James Robertson did, but he cairit nocht for it; and utherways misbehaved himself very irreverently to Mr. Andro." The Provost and Bailies were much incensed at Blyth's conduct, "and taking consideration that the wrang touches the King's Majesty, quha hes direct Mr. Andro to the burgh, and likeways is done against Mr. Andro, being a minister of God's word, to the hinderance of his godlie travels in making peace betwix neighbours quha are at variance, quhairupon may ensue griter trouble to the disquieting of the haill town, therefore ordanit David Blyth to remain in ward until the King's Majesty his will—at the least the will of his Highness' Council—be declared against him for the offence, and Mr. Andro be satisfeit for the injury."

The attempted reconciliation having proved unsuccessful, Wedderburn and Rollok became bound that neither of them "sall heirefter trouble or molest" the other, or any "honest peaceable neighbour being his Majesty's free liege, under the pain of five hundred merks;" and that neither "sall bear upon his person within the burgh ony sword, cutlass, or lang dagger, without licence of the Privy Council, or of the Provost and Bailies." But each of them "presently producit ane warrant, subscryvit be the Lords of Council, giving him power to wear his sword," which the Provost and Bailies admitted, although they found, within a month thereafter, "that Robert Rollok wes bearing his sword against the acts of the town."

Andrew Lamb, who thus failed in the mission with which the King had charged him, was a man of mark who attained to considerable preferment in the Church, and got possession of some profitable offices. At this time he was minister of South Leith, and chaplain to his Majesty, and also held the lucrative place of Commendator of Cupar Abbey—the duties of which were to represent the different interests of the suppressed house, and to draw a portion of the revenues which belonged to it—an office which his predecessor held to be of such dignity that he assumed the style of Dominus de Cupro.[1] A puerile rhyme or riddle, which has for long been traditionally current in

[1] Jervise's Memorials of Angus and Mearns, 397.

Dundee, was probably a satire upon Andrew and his various offices:—

> The minister, and the dominie, and Mr. Andrew Lamb,
> Went to the garden where three pears hang,
> And ilk ane tane ane of them, and yet twa hang.

In 1607 he was appointed Bishop of Brechin, and in 1617 he was from thence translated to the See of Galloway.

Previous to Michaelmas, 1606, another design had been entertained for unseating the Provost, but the King again befriended him, and his
1606. Sept. 23. opponents were baffled. On the day appointed for the election, "efter reading of ane letter direct be the King's Majesty, signed with his Highness' hand, of the date at Grenewase,[1] the 15th day of August, commanding the electors of the magistrates to elect and nominat Sir James Scrymgeour to be Provost, the Council with common suffrage—at the least the gritest pairt of their number—electit Sir James to be Provost." The dispute as to the number of the crafts was still unsettled, but, "to remove any grudge that micht arise, the three were continuit in the meantime."

The two following years there was no contention for place in the Council. The plague had carried off many burgesses, and others had left the town, and it was only with much difficulty that persons could be got to guide the common affairs. Sir James Scrymgeour continued to hold his office, and was usually at meetings until the occurrence of
1609. Feb. 8. a brawl in which he appears to have been engaged. "The Bailies and Council hes found that James Scrymgeour, upon the fifth day of Februar, under silence of nicht, strak John Denquharis with ane cutlass sword in the back to the effusion of his bluid in grite quantitie, as James confest himself, and therefore ordained him to remain in ward ay and quhill he satisfies the pairtie and the chirurgian quha cures him, and likeways pays the penalties contenit in the acts made anent bluid and troublance." Although the name is not given with circumstance, it is probable that Sir James was the unfair assailant. He did not attend any meeting subsequent to the assault until the day before the election in September, at which time—there being no letter of com-

[1] Greenwich.

mand from the King in his favour—William Duncan was nominated and elected Provost.

Much gratification was felt at the removal of the haughty Constable. The craftsmen had yet some cause for complaint, but it was now stated and received in an amicable spirit with all courtesy. They said "that they were informit that at the last election there wes ane Councillor for the merchant estate nominat attour the ordinar, quhilk, as they are persuadit, proceeded nocht of any purpose to hurt the liberties of the craftsmen, [yet] micht be ane preparative of griter inconvenience which micht distract the minds of the inhabitants, they being now, (praised be God,) maist happily conjoined in peace and unity; and they protestit against the nomination of ony ma persons for the merchant estate nor nine." To this the Council, in a friendly spirit, "declared that they had na intention to make ony novation to prejudge the liberties of the crafts, in respect of their peaceable disposition and readiness to assist the magistrates in the dischairge of their offices." There had been some reason for dreading further trouble from Scrymgeour, "but the Council and deacons of crafts bound them to warrant and keep skaithless the present Provost and Bailies of all danger and damage that they sall happen to sustene for ony common cause concerning the inhabitants." 1609. Oct. 3.

The Constable had been holding his malefactors in the burgh prison, but he now took delivery. "William Nicoll, shepherd in the Hill, ane notorious common thief, quha wes taken in the Hill be Sir James Scrymgeour of Dudhope and the Sheriff and imput in the iryne house of the tolbuith," was again required "from the Provost and Bailies by Andrew Matthewson, Bailie in the Hill to Sir James." The knight having the right of pit and gallows, was probably intending to justify the thief, but the magistrates refused to give up the man until they received a warrant, subscribed in presence of a minister and other witnesses, "relieving them of all danger that they may sustene be the deliverance of William." Nov. 14.

The last reference in the records regarding Sir James occurs when Provost Duncan and others were instructed "to convene and visit the common kist, and cause the haill writs being in any private person's hands to be imput there; and, because the Provost's key of the kist 1610. Ap. 8.

could nocht be presently had," they were empowered "to cause tak off the lock quhilk wes openit be the said key, and cause mak ane new key thereto;" which suggests that the disappointed Constable had ended his municipal career in an inglorious manner, by masterfully withholding the key of the kist. Sir James Scrymgeour died in 1612.

PATRICK RAMSAY, KEEPER OF THE STEEPLE AND CLOCK.

Amongst those who distinguished themselves during the period of civic turmoil was Patrick Ramsay, smith and gunmaker, who, as we have noticed, did "thankful service by his gude attendance on the knok and steeple," and got "his stipend enlarged to twenty pounds," and afterwards to forty, besides being "exemit fra the payment of all taxation except sic as the crafts sall tak, providing that he baith day and nicht attended upon the town's service and ordinance;" and who not only did this, but upon his own charges repaired the steeple head, and was rewarded with a burgesship, and, in the course of time, became a notable and leading man amongst the crafts. But he had a facility for making himself enemies, and some of the hammermen found frequent occasions for abusing him. Even when the town was in its usual peaceful state, "Alexander Smyth mispersonit him in the presence of the Bailies," and at the turbulent time of municipal disorder, during which he deserted the popular side and approved himself faithful to the ruling powers, his brother craftsmen subjected him to much railing. Andro Philp, gunmaker, a noted brawler, who had "pursued David Brown, cutler, with a drawn whinger," and was "convict for breking of his head," and "siclyke, in rioting efter midnicht with the persons quha troublit the town" by pouring out libations and drinking skoills to the popular leaders—"he mispersonit Patrick Ramsay be calling him 'Hangman.'" As this was what David Gray, the pewterer, diverse times shouted at the Market Cross, we may conclude that there was some reason for applying the designation, and that Patrick had probably, when there was occasion, done the duty of that office from the

1604. Ap. 17.

steeple battlements. After he was appointed deacon of the hammermen by the authority of the Privy Council, some of the brethren were birling in an alehouse, when William Low, smith, the deacon whom he had superseded, "very shamelessly mispersonit him be saying thir words, that he had mensworn himself in the tolbuith, and that he (Low) suld cast ane stoup in his face—mensworn loon!" and thereafter, "upon the Hie Calsay, William's spouse unbeset him, and took him be the craig and beard, calling him thief, and saying that she suld be avengit on him." For his slanderous words Low was amerced in "pecunial penalties," but the officers were instructed to put his wife in ward "till order be taken with her offence, and gif she can nocht be apprehendit, to charge him to enter her within the tolbuith."

At a later time, Andro Philp "invadit Patrick Ramsay in the common burial [place,] in presence of his brethern there convenit, be calling him thief, traitour, and loon, with uther injurious words nocht worthy to be rehersit, and menaced and boisted him;" and the Bailies, considering "the many wrangs and injuries done be Andro to his deacon, ordained him to presently sit down upon his knees and ask Patrick his forgiveness, and acknowledge him to be ane honest man. Quhilk Andro presently did." On the same occasion, David Gray also "uttered the like words," for which he was "put in sure firmance." Notwithstanding Philip's penitent acknowledgement, he some years afterwards again returned to the charge against his antagonist, and 'in the Howff in presence of the hammermen craft, convenit for election of ane new deacon, maist maliciously mispersonit Patrick Ramsay, then the deacon, and callit him traitour and jowker,[1] and [said] that he had betrayed the craft diverse times, with mony uther injurious words in evil example to others;" and he "struck and cuffed upon the face James Carnewatt, the deacon's officer, he having only in sober manner, at the command of the deacon, requirit him to mak payment of the quarter duties addebtit be him." For these offences Andro was now put in ward till he satisfied the party "and the acts made anent mispersoning magistrates and public officers;" and James Gray, who had abetted him in his evil speech, was similarly punished. 1611. Sept. 26.

As we have before seen, Patrick, in the exercise of his office of

[1] One who misleads: a deceiver.

keeper of the tower and clock, did not escape the tongue of calumny; it having been alleged that he had "causit hew out certain bolts of iron wark furth of the batteling of the steeple, and applyit them to his awn use;" but when some persons had "very exquisitely tryit gif there wes ony iron wark lately hewn out," they reported that there had not been any, and that "Patrick had been very wrangously slandered."

1609. JUNE 27. During the visitation of the plague, many inhabitants fled from the town, and he also having gone, the clock was neglected, and, at that melancholy season, ceased to register the flight of time. After the pestilence had subsided, and the burgesses were beginning to resume their usual duties, several of the Council, having been appointed "to visit the knok in the steeple, and confer with Patrick anent its reparation," arranged with him to proceed with it. But he found that its defects were serious, and that their repair would be costly—although he may have traded upon his knowledge of its mysteries, and exaggerated its ailments to make the mending more profitable—so he wrote to the Council a characteristic letter of lamentation over his evil fortunes in prosecuting the work:—

"Unto your worships humblie meanis your daylie servitour Patrick Ramsay, smyth—

That quhair it is nocht unknawine to your worships that I, efter returning to this town quhen it plesit God to withdraw his visiting hand thairfra, at your worships' desyre wes moved to undertak my auld service in attending upon the knok, at quhilk tyme your worships promessed to haif ane consideratioune of my grite panes quhilk I wes to sustene in the frequent visiting of the said knok, and continuall reparatioune of hir, seing now she is all brokine, and worne, and decayit in all the pairtis thereof; upon expectatioun quhairof I haif continuallie attendit with my sone and servandis sensyne upon that service, and thairby hes been abstractit fra my laubor quhairupon I suld sustene my wyiff and bairns. Thairfoir, now I haif takine occasioun to remember your worships humblie, that ordour may be tane how I may be payit for my bypast service; and in tyme cuming, gif your worships wald gif me ane reasonable augmentatioun to my former fie, I will bind and obliss me to sustene the said knok and preserve hir fra decaying,

and mend and repair hir upon my awine expenssis during my lyiff, quhilk will be no litill proffit to the commoun weill. And your answer.

2 Jan. 1610."

This appeal was successful, and the Council agreed that, if "Patrick presently tak down and repair the knok sufficiently," they would give him forty pounds for mending it; and in consideration "of the grite laubours and pains continually taken be him in the ordering thereof," they promised to "augment his stipend with twenty pounds, to be payit be the ministers and elders of the Kirk, making in the haill the soum of three score pounds;" for which, "he and his eldest son sall be haldin to uphald hir, during his awn and his son's lifetime heirefter, freely." They subsequently agreed to give the son a stand of clothes yearly for his service, and, as the old horologist himself continued to take "grite pains both day and nicht in attending upon his charge," they farther augmented his fee with ten merks. 1612. Oct. 6.

THE PLAGUE.

The plague, that dreadful scourge of the middle ages, continued to make periodic ravages in Scotland, and toward the end of the sixteenth century these were frequent and alarming. We have noticed that there was a general outbreak in 1585; and Calderwood tells us that during the winter of 1587-8, "the pest brak up in Leith by opening up of some old kists." It afterwards spread to Edinburgh and other places, and in July there were fears that it was approaching Dundee, and the Council resolved, "in respect of the late infection of the plague within the town of Leith, that this burgh be substantiously watchit sa far as possible for its preservation;" and they appointed quarter-masters "for visiting daily in the morning betwix five and six of all persons, and immediately reporting gif there be ony sick or diseasit." No serious outbreak had, however, then taken place, for we find no other notice of it excepting that George Robertson, the

following winter, received twenty pounds for "the laubours and pains tane be him in the time of the visitation of the burgh with the plague of pest." In the spring of 1602 it again appeared in the south, and
1602. spread with much virulence along the coast of Fife; and the Council
Mar. 2. took measures for guarding the town, by enacting that, "during the continuance of the pest, the inhabitants dwelling in the twa south quarters sall bear the chairge for keeping the water side, and those in the other pairts, that for the three ordinary ports; and that none sall receive ony person at back yetts or ony other entry nor the ordinary ports, under the pain of dead; and forder, that na neighbour sall reset ony stranger in lodging efter seven hours at nicht, without he first signify the same to the Bailie, under the pain foresaid." The contagion did not at this time cross the Tay, but the south suffered much from it, and the King removed to Brechin until it had subsided.

During several successive years the disease continued to ravage different places throughout the country, and although it did not yet
1603. attack Dundee, the burgesses were kept constantly upon the alert
Oct. 18. endeavouring to avert its approach. "John Lovell was appointit to attend upon the keeping of the south side of the water, and to suffer nane to have passage except sic as sall present ane sufficient testimonial direct fra ane unsuspectit place." The Nethergait and the Cowgait Ports were ordered "to be closit and na way openit; and na strangers
1604. to be receivit in hostelries without they first intimate their names to the
May 29. Bailies." It was likewise "concludit that during the time of the present suspicion of the plague, the haill boats serving for the passage at the ferry sall be brocht to the harbour, and nane sufferit to pass except three daily;" and it was again ordained "that the haill back yetts be closit up and haldin fast, and that na neighbour suffer ony passage to be thereat under the pain of dead."

Goods, especially clothes, coming from an infected neighbour-
1605. hood, were not allowed to be carried into the town, unless with great
Jan. 9. caution. Thomas Fische, burgess of Edinburgh, brought certain packs of gear, which he left "lying on the south side of the water of Tay, to be transportit to the burgh;" but he was not permitted to bring them across until he had given surety "to warrant the guids to be clean and free of pest, and to warrant the haill inhabitants of all peril and danger

that may occur thereby." Thomas Mayne, webster, having got licence to go to Leuchars, "under colour thereof he past to the city of St. Andrews, quhilk is presently visited with the plague, and brocht furth thereof" to the town "ane burden of clayths," and produced "ane testimonial [as if] of his immediately coming from Leuchars, abusing thereby the minister of Leuchars, director of the said testimonial, and endangering the haill burgh and the inhabitants thereof be the bringing of the clayths"—for which offences he was banished for ever. 1605. MAY 27.

Alexander Realman and James Stanhouse, "without licence of the Bailies, past to St. Andrews, ane suspect place of the plague, and there they coft some lint," which they brought to Dundee; and this having become known, "they were ordained to carry the lint back again to St. Andrews," and as a proof that they had done so, "to report ane testimonial thereupon"—in the meantime each of them to consign a pledge of twenty pounds for security that the lint would be returned. The bark "James" had arrived from some infected port "and was lying in the Ferry road, but being suspect of plague," it was ordered to be taken farther up the river, and the owners were obliged to become bound "to pay the soum of ane thousand merks, in case ony of the persons, presently being in the ship, come on shore at ony pairt upon the north side of Tay efter the ship's arriving near to the bounds of the Magdalen Geir," or if any others should go "on shipbuird, or if ony geir be received or delivered without licence." DEC. 31.

It was concluded "that during the continuance of the pest in St. Andrews, Leith, Edinburgh, and other pairts of the south countrie, that there sall be na passage at the ferry but to sic as sall ship or land at the Woodhaven, Steany, or Skarness upon the south side, and at the Shore, Chapel Craig, or Kilcraig upon the north side; and that sic as cross the ferry at ony other pairt sall na way be permitted to have ony access within the burgh"—intimation thereof to be at once "made to the Bailies of Port-on-Craig, and to the Abbot of Balmerinoch. And farder, that all the ports sall be locket and haldin fast except the Overgait, the Wellgait, and the Seagait, and that there sall be ane sufficient watch appointit to keep them in the day season; and for setting of the watch, and the precise keeping thereof," that trustworthy persons shall be appointed. "And attour, that all neighbours quha AUG. 5.

hes back yetts and passages upon the ancient side of the burgh, sall presently repair and mak them close, and suffer na passage to be thereat." This was toward the river side, along which there had been entrances insufficiently protected.

By the following summer the pestilence was in the north as well as in the south, and the danger became more imminent. "Oliver Powry, in the month of July, went to St. James' Market in Elgin, and desirit na licence of ony Bailie, so breaking the act prohibiting ony inhabitant to pass to the northland markets in respect of the grite infection there;" and after his return, "in the month of August, he received a burgess of Edinburgh, lately come fra there, under silence of nicht efter eleven hours, and convoyit him to his house, without ony intimation made be him to ony Bailie;" and the next day he "menaced twa boys to transport him over the ferry, without the consent of the water Bailie, thereby transgressing the statutes made for prohibiting neighbours to receive in their houses ony stranger resorting fra ony suspect place." For his rash conduct Oliver was convicted, and put in ward till he paid a fine of twenty pounds.

Notwithstanding all precautions, the plague at last settled down upon Dundee with fatal severity. In the course of the autumn it had spread over the country, and was causing great havoc. "It raged so extremely in all the corners of the kingdom, that neither burgh nor land in any part was free."[1] Certain ministers wrote to the King:—"The destroying angel, with his drawn sword, is hewing down day and nicht continually, and causing the carcases to fall in sic a number that the like thereof has not been heard these many years before."[2] The town now had to suffer its share in the infliction, and there came many dark days of trouble upon it. For some time the burgesses made an effort to grapple with the pestilence by enforcing sanitary measures, maintaining order, and providing help to the necessitous, but as it grew in virulence their efforts were well nigh paralysed, and the struggle became almost hopeless. It was resolved "that, during the continuance of the plague at the pleasure of God within the burgh, there sall be interteanit twenty-four soldiers under twa commanders, quha sall attend and watch in the nicht season that na insolence be committit

1606. Oct. 6.

[1] Balfour.

[2] Melvill's Diary, 649.

to the hurt of honest neighbours, their houses or guids, and in the day season sall attend upon the ports in convoying in and out of the clengers,[1] and sick and infectit, and their guids." And for payment of the charges, "and supplying the necessity of the puir, quhilk are found to exceed twelve hundred persons,[2] it was concludit that there sall be upliftit off the neighbours five hundred merks monthly; and, because there is na present money, that the soum quhilk wes collectit for the support of Geneva sall be presently applyit to the help of the puir." The following month it was found that "the grite number of the puir, quhilk" are depending upon "the liberality of the inhabitants, can nocht be sustenit ony langer upon the contribution of five hundred merks monthly," and it was resolved "to augment the soum with two hundred and fifty merks."

The method adopted for preventing the spread of the plague, was, that the families of those infected or suspected of having come in contact with infection were shut up in their houses and secluded from their neighbours, and that the stricken were removed to lodges, erected on the slopes of the river bank near to the Roodyard, called "the Sickmen's Yards, lying under the town of Craigy." The cleansers were appointed to the charge of effecting the separation and disinfecting the gear and clothes, under the protection of the soldiers; but, during the winter, as the pestilence increased, the soldiers were found to be unable to maintain the organisation, and a general call was made upon all the neighbours to help at the work. "As it is necessary that the sick persons in the ludges be carefully attendit on, the Council ordain that there sall be ane watch appointit to attend upon the ports baith in the nicht and day season, and that the haill fencible inhabitants sall be subject to the service, but respect of person." 1607. Feb. 3.

In spite of all vigilance, it was found "that diverse persons, being commandit to keep their houses, upon suspicion that they were infected

[1] Cleansers.

[2] There are no reliable data for fixing the number of inhabitants in the town at this period. Robert Chambers—Dom. Ann. Scot., II. 163—makes an estimate of the population of the shires and burghs of Scotland in 1645, founded upon the number of soldiers each of them was required to maintain. He reckons Dundee at 11,160, which is probably a fair approximation; Edinburgh at 34,440, Glasgow at 6600, and Perth at 6600.

with the plague through haunting the company and houses of those infected, hes contravenit the command," and it was enacted that, in case any persons should do so hereafter, "incontinent they and their haill families sall be removed to the ludges, and usit as foul persons, and their geir mellit with be the clengers." Some opposed themselves to order. William Strathauchine, an insubordinate cordiner, "abused ane of the quarter-masters appointit to attend upon persons infected, be saying that he had usurpit the office, and be giving of him the lie; and theirefter provoked him to the combat, and past to his awn house and returnit seeking him with ane drawn sword." For this he not only lost his freedom, but had immediately to pass to the Cross and upon his knees ask the quarter-master's pardon; and another cordiner, who assisted him with his drawn sword, incurred the like pains.

In April the infection had temporarily abated, and although "it was concludit that five hundred merks sall be upliftit for the puir quha are under danger and suspicion of the plague," yet, it was agreed that the half only "sall be presently borrowit and the rest suspendit till it be considerit quhidder the necessities of the puir require it;" but it was found that the whole was needed "to be applyit to their sustentation and help." The "haill Hospital rents were resting unpayit of the year bygone, and, be reason of the visitation, the master could get na payment thereof be poinding of guids;" so the possessors of the tenements were ordained to be put in ward "and detenit there till the rents be payit." The tenants of the malt mills, and the tacksmen of the customs were dealt with more leniently, for, "in consideration of the losses they have sustenit," the treasurer was instructed "to desist fra troubling of them" for the rents due.

1607. MAY 12. The Council, considering the great pains taken by the cleansers "in attending upon the sick folk, and furnishing of them in the ludges, and that they have presently na moyan quhairupon to live," ordained "to ilk ane of them five pounds monthly during the time of the plague." An outcry was made against one of them for not doing his duty. Thomas Duncan, baxter, having died, "complaints were given in be his brether and sisters, and certain other neighbours, purporting that be the sleuth and negligence of John Bell in clenging of infectit geir, there hes followit the death of umquhile Thomas and syndrie other

neighbours;" and the Council "finding grite presumptions against John, albeit the complaints were nocht effectually nor clearly verified, yet, for removing of the grit fear that is conceived be all the inhabitants upon John his remaining within the burgh, they ordanit him to presently remove himself furth, and na way come near the burgh the space of six miles, and to find caution to obey and obtemper the ordinance under the pain of five thousand merks." But after some months, when the popular feeling had subsided, "they consentit that John Bell may repair toward the burgh and do his lesum business, but ony danger to be incurrit be him therethrow."

1607. SEPT. 22. After the pestilence had continued a year, the Council, "having heard the compts of the taxations," and of "the contributions grantit be gentlemen and neighbours for the support of the puir during the haill space of the visitation," and also of the cost of "the watching and warding of the burgh, and the bigging of the clengers ludges and kilns," found that the money "wes superexpendit; and considering that, be reason of the continuing of God's hand upon the inhabitants, and the daily growing and kything of the infection, it is necessary to raise griter [monthly] soums for the charges in supporting the puir, and interteaning ane guard," they, therefore, resolved that "ane thousand pounds be presently liftit off the haill inhabitants."

The burgh was so disorganised that it was judged expedient that the usual elections should not take place. When the Council met "according to the auncient form, at the desire of twa missive letters direct to them, ane frae the Lords of his Majestie's Council, and the other fra my Lord President, they continuit the election until the feast of Martinmas next, but prejudice of their auncient liberties and privileges." It afterwards "pleasit their Lordships to continue the election till the 15th of January"—the Council declaring "their proceedings in the meantime to be as lawful as gif they had been electit of new." But the pestilence having increased in virulence, and the burgh having become desolate—there being almost a famine, eighteen ounces of bread selling for more than twelve pennies—no new election took place, and such of the Council as were left continued at their duty, aided by "James Mudy who, [being desired,] presently acceptit the office of Bailierie, and promised to discharge the same."

1607. Dec. 10. "The quarter-masters of the Murraygait having tryit that there wes sick persons of the plague in the house of George Mitchell, maltman, they past and inquyrit of George the estate of his house, quha declarit that he had twa sick bairns within the same, that had been sick twa days. Quhairupon they were movit to command George, his servants, and family to keep themselves close within their houses;" notwithstanding which he "contemnit the command, and all that day keipit his house open, and sauld ale in his buith, and reset syndrie neighbours within it." Thereafter, an endeavour was made to insure the stricter seclusion of suspected persons:—"Quhenever it sall please God to visit ony house with the pestilence, and it be known and notifeit to be the plague be the death of ony person visited, or some other evident or sure mark, then, immediately efter, all the inhabitants of that house, as weill master as servant, young as auld, that may be transportit without danger of present death, sall be removed furth of the burgh, and nane suffered to come within the ports thereof unto the time they abide the ordinary trial," or probation in the lodges; "and sic as sall be commandit to remove, sall give obedience, under the pain of one hundred pounds, and farder, under the pain of dead gif ony danger sall ensue to ony neighbour. And because grite peril may follow upon the oversicht of neighbours visiting their friends being sick without the company of ane magistrate, it is ordanit that na persons presume to visit ony sick, aither within or without the town, unless they have licence; and gif ony contravene, [and be] visited in their persons with the plague and convalesce, they sall pay one hundred pounds gif they be solvent, and gif they be not, sall be brunt on the cheek, and banished for ever; and sic others as contravene, and are free of the plague, sall pay ten pounds."

1608. June 28. There was much difficulty in getting money to pay for necessary charges. "The Council found that there is awing to Andro Fyiff, baxter, six hundred merks for bread, ale, and other furnitour furnished be him, at command of the magistrates, to the puir visited with the pestilence;" and although this was ordered to be paid, yet, after his death, four years later, "they were still awing one hundred and ninety-two merks for debursings made be umquhile Andro to the puir the time of the plague."

In July, the Council presented a supplication to the Lords of Council, representing how the burgh is suffering "under the contagious sickness of the pest, and that a great many of the houses are infectit therewith, and greater infection likely to ensue in respect of the few number of magistrates within it, and the little care and regard had to the government thereof—ane of the magistrates being depairtit this life, and ane other of them visited with disease and infirmity, and not able to undergo sa great pains and travels as is requisite at sa necessar a time;" and, in reply, the Lords appointed three burgesses to act as magistrates.[1]

At the following Michaelmas, the elections proceeded in the usual form; and, because all those nominated were "nocht for the present residents within the burgh in respect of the visitation of the plague, and therefore could nocht be convenit," the officers were ordered "to pass and warn them to attend and accept their offices;" but although they had been personally warned, and were "all callit at the Council-house windok, nane compeirit except five, quha gave their aiths with all solemnity." "Be reason of the grite increase of the plague, the Council thocht it nocht meet to convene in the revestrie of the kirk—the accustomat place"—so they assembled on Sunday after the preaching in the Cross Kirk, and there made the election of magistrates. It was only at command of his Majesty's letters that a number of those absent returned and accepted office, and some of them did not make compearance until they had been threatened with horning.

1608. Oct. 25. When the plague had ravaged the town for two years it began to abate, and at the first meeting which the Council held after being constituted, measures were taken for reorganising the commonweal and restoring order:—"Considering that now in the winter season, lowse and broken men may tak ready occasion to brak houses within the burgh, and to reave and steal the guids and gear perteining to neighbours quha are absent fra their awn houses; and siclyke, that be reason of the few number of honest neighbours quha remain, insolent persons may tak occasion to disobey and control the magistrates in the execution of their offices—they wanting the assistance of honest neighbours at this present; therefore it is ordanit that there sall with

[1] Reg. Privy Council—Dom. Ann. Scot., I. 414.

all diligence be electit ane guard of twenty persons and twa commanders, for watching the town in the nicht season and attending upon the directions of the magistrates in the day time; ilk ane of the guard to have five pounds, and ilk commander ten pounds in the month." Robert Kynlocht and Gilbert Macduff were nominated the captains, and they accepted, "and promised to discharge the office for the weill of the town."

Some attention was now paid to sanitary measures, and "the haill puir inhabitants quha were nocht able to furnish fire to the cleansing of their infected geir," were instructed, by proclamation made by the hand bell, "to present the same to the kiln and kettle, and there sall be fire furnished to them upon the common charges." The kiln had been a close chamber within which the clothes were subjected to the action of heat—a method of disinfecting which seems to have been as well understood then as it is now. The kettle was a washing boiler.

1609. Feb. 14. When the plague ceased, those who had helped to restore the town to order were rewarded. "For the gude, true, and thankful service done be Gilbert Macduff, ane of the commanders of the guard, during the time of the visitation," he was "exemit fra all taxation to be imposed upon the inhabitants heirefter, and his name was ordained to be deleit furth of the taxt roll;" and for "the true and ready service done be Robert Kynlocht," he was "nominat to the office of metting of lime, salt, smiddie coals, and corns coming be sea to the burgh." And afterwards, there was "assignit to both of them the fifty merks awing be David Hunter for the licence given to him to buy ane shipful of timber fra ane stranger, and this in recompense of their travels taken in guarding of the burgh, and in satisfaction" of the service done by them "or the soldiers under their charge."

After this outbreak, Dundee was exempt from the plague for nearly forty years, although during that time there were several alarms

1629. Oct. 16. of danger. "The Council fand that ane bark of the town called the Jonas, lately come from Birranei, is presently lying in the road," and that the master, two men, "and ane boy had in the voyage died of the fearful plague of pestilence." So they ordered "that the bark depairt from the road to the Magdalene Geir of the burgh until forder trial," and also "that the whole of the [dead] sailors' clothes in it shall

presently be brunt." But "the sailors alive being strangers, and fearing for themselves, refused to handle any of the defuncts' geir, or other trash of their own therein," so that the Council had to cause the clothes to be burnt otherwise. It does not appear that the contagion then spread any farther.

THE EXACTION OF A LADLEFUL OUT OF ALL CORN SACKS.

From an early time the Council claimed to exercise the right of exacting custom in kind, by lifting a ladleful out of each sack of corn or victual brought into the market. The ladle used appears to have been of an undefined and varying—probably increasing—size; and the filling of it, by those who rented the petty customs, led to frequent disputes and caused much irritation not only to strangers frequenting the market, but also to burgesses, who, "it was declared, aucht to pay the duty of the ladleful of all victual appertening to them sauld or brocht within the burgh, except it be [from a] ferm of their awn heritage or wodsett, or grown upon their awn mains and steading." It was besides "statute that all the victual that sall be brocht within the burgh and delivered to neighbours for payment of bairns' buirds, or private debts, sall pay the petty customs and ladleful as gif the same were presented to the mercat;" and further, "that na baxters nor maltmen sall presume to receive within their houses ony wheat, bear, meal, or other victual until first the petty customs be satisfied, under the pain of twenty pounds." 1609. Feb. 14.

An attempt was made to interrupt the impost at a meeting of the Convention of Burghs held at Perth in 1604, when the commissioners from Forfar lodged a complaint "anent the taking of ladlefuls fra their neighbours;" and the commissioners from Dundee were ordered "to come to the next meeting instructed to make answer, and to produce their richt" to the exaction. But notwithstanding that there was no other right to show than prescription, nothing came of the objections,

for the tax still continued, and after a time its annual value increased, consequent, probably, upon the use of a larger ladle.

No further action appears to have been taken against the grievance until June 1633, when a petition was presented to Parliament "by the commissioners of Perth, Angus, and Fife against the magistrates of Dundee for the great extortion usit be them in exacting ane ladleful of all kind of victual, grund and ungrund, presentit to their mercat, having no definite measure nor quantity, quhilk is ane heavy oppression, and therefore desiring" the Estates "to have respect thereto and to tak good order thereanent." In answer, Parliament instructed "the Secret Council to tak sic trial of the petition against the burgh of Dundee, anent the abuse of their ladle and oppression thereby sustenit, as they sall think necessar for making constant and knawn quhat is and should be the just measure of the said ladle," and gave them power "to determine anent this as they sall think just and equitable."[1]

1633. Sept. 20. The Town Council now saw that it was time to amend the abuses in lifting the custom, which they attributed to "the neglect of the magistrates in not attending upon the weekly mercat days to oversee the customers tak the duty," and this, they considered, had formed "the grund of the misinformation given in by the barons, gentlemen, and others, his Majesty's subjects within the Sheriffdoms of Fife, Perth, and Forfar to the King and Parliament for ane reformation thereof." So they ratified "the acts made be their predecessors, whereby ane of the Bailies was ordained to attend weekly upon the mercat days for overseeing the duty of the ladle taken conform to use and custom," and they ordered "the same to be put to full execution, with this addition, that the Bailie deficient in his office in that pairt sall pay five pounds unlaw *toties quoties*."

This energetic action was, however, taken too late to be of avail in saving the right which they claimed of helping themselves without stint out of the corn sacks, a decision having shortly afterwards been

1634. Feb. 4. given by the Privy Council restricting the quantity to half a lippie out of each lead or load. This new corn law was not received with a very good grace. The Council lamented "that their wonted custom of receiving of ane ladleful of all corns, as weill grund as ungrund, out of

[1] Act. Par., V. 48.

each seck brocht to the burgh, is now, be authority of his Majesty and the Estates, redacted[1] to ane small measure, whereby, in time coming, the customs are likely to prove unprofitable to the commonweill." But they resolved thenceforth to enforce the tax as amended with greater rigour, and ordained "that na neighbour presume or tak upon him efter this hour to receive ony victual within his ludging from landwart, until first he send and acquent the customers to come and receive their statute dues; and if he cannot conveniently find them, in that case to retean in his awn hands as much victual as shall serve therefor, under the pain of twenty pounds, to be upliftit of ilk concealer of the truth of the quantity of victual and time of receiving it. Forder, that no one set lofts to ony gentleman or cuntrieman for garnelling of the same until the customers be first satisfied;" and if "the cuntriemen be shortly to ship their victual, then they shall presently pay the due custom of five shilling four pennies for ilk chalder, under like penalty." Notwithstanding a closer supervision, the annual value of the petty customs decreased considerably. Before the abolition of the ladle, it averaged two thousand four hundred merks, while afterwards, it was only one thousand six hundred and fifty.

WILLIAM WEDDERBURN, FIRST MINISTER OF THE THIRD CHARGE.

1609. MAR. 1.

After the death of Gilbert Ramsay, reader, a proposal was made that, instead of putting another in his place, a regularly ordained minister should be appointed to occupy a third charge in the Church. James Robertson and David Lindesay, ministers of the burgh, and John Ramsay, minister of Tealing, who held the new office of constant Moderator of the Presbytery, presented a memorial to the Council, showing that as "the place and room of Gilbert Ramsay presently vaiks, it is maist necessar for the advancement of God's glory and the weill of the inhabitants of the burgh, that the room be fillit with ane

[1] Reduced.

godlie person, learned, and of gude qualities meet for the dischairge of the ministry;" and desiring "that they would nominate a person thereto qualifeit for the duty." The Council having heard and considered the request, they found it to be "maist godlie, and proceeding fra a zeal and gude affection borne toward the commonweill," for which they gave the ministers "maist hearty thanks," and declared that they thought "it meetest that a person of gude graces, quha was able to dischairge the office of a minister, should be nominat for filling of the room, providing that" he would "accept the condition and stipend quhilk Mr. Gilbert had of before for his services;" (which was at one time three hundred merks, but might have been more previous to his death;) "and, to the effect that wark may be the better effectuat, they requested the ministers to present to them this day aucht days their advice anent quhom they think meetest to be employit in the service."

At the time indicated, "the ministers, for satisfying the desire of the Council craving their advice, declared that they thocht" that three persons whom they named, "all actual ministers, were meet and worthie for discharging the function of the ministry within the burgh;" but they did not condescend upon the question of the stipend. "The Council having considered the advice," felt that it was good enough, but inconclusive—"as it wes nocht known to them quhidder gif or nocht these persons would accept the chairge upon them with the condition appointit; and requestit the ministers to deal with them thereanent, and report their minds and answers, so that the Council may proceed, with the assistance of God and the help of the ministers, to the election of ane furth of that number, or sic other as may be tryit to be worthy and willing to accept the same."

No arrangement was come to with any of the candidates suggested, but shortly afterwards, William Wedderburn, minister of Pittenweem, was appointed to the new charge, and he was translated to it in 1611. At that time King James was busied with his scheme for establishing the Church upon the episcopal basis, and an Assembly, which he himself nominated, had at a recent meeting agreed to his proposals, so he was naturally desirous that newly appointed ministers should be conformable to the new order. Accordingly, before Wedderburn was

ordained, his Majesty received a certificate testifying that his qualifications were satisfactory, and that he was "of peaceable inclinations," as he had in the first place become bound to "obey all the acts of the General Assembly of 1610; next, that he sall not meddle in doctrine or conference with the contraverted heads of discipline; and thirdly, that he sall conform himself unto quhatsumever order of Church government the King and the Kirk sall set down"[1]—an obedient and discreet man, who, like the Vicar of Bray, would sit still in the Church, and whatever happened to it, he should remain contented.

We do not know what payment William Wedderburn received at first, but no doubt it was higher than that of his predecessor the reader, as the Council became bound "to give to him as grite ane stipend for his service as they paid to the remanent ministers, how soon it pleasit God to give him the chairge and burden of ane family." 1613. This came in good time, for within two years they "knew perfectly Feb. 2. that Mr. William is presently burdenit with the chairge of his wyiff, bairn, and family, and as they pay to ilk ane of the remanent ministers yearly the soum of aucht hundred merks, by their house mails," they therefore agreed that he should receive the like sum also, conform to the contract; and then each of the ministers of the three charges within the two churches had the same stipend.

ROBERT STIBBLES, READER AND VICAR.

The Vicarage of the parish was held by various ecclesiastical functionaries after the time of the Reformation, but none of them appears to have succeeded in effectively realizing its profits. When Gilbert Ramsay had possession, its value was estimated at only two hundred merks yearly, and James Robertson found it so unproductive that he readily renounced the office on receiving a moderate fixed stipend. After his formal demission, the Council made an attempt to gather the arrears which had accumulated "thir three years bygane, 1611. July 2.

[1] Fasti Ecclesiæ, III. 694.

and appointed James Strathauchine, notar, collector of the Vicarage, and assignit to him twenty pounds yearly for his fee, providing that he made payment of the haill duties to the treasurer, or at the least produced the disobedients lawfully denuncit rebels and put to the horn for nonpayment." But the notary appears to have had little success, and after a short time a bargain was made with Robert Stibbles, who for some years had held the place of "reader in the West new Kirk" at the modest fee of twenty-seven merks "and his gown yearly,"

1613. June 8. that he should occupy the office. The Council, "considering that the Vicarage has been thir diverse years unprofitable to them be the neglect of those that were in the title thereof, concludit to present Robert Stibbles to it, upon condition that he sall diligently and faithfully" continue to "exercise his office of reader within the Kirk, and that he sall content and pay the treasurer nine score merks yearly during the time that he sall uptak the fruits and profits of the Vicarage; and gif he fail so that the same rin unpayit the space of twa terms togidder, in that case to demit" the office—the contract not to be held "prejudicial to him anent the stipend payit for his service as reader." The position of Vicar was not now one of much account, as the Reformation had ended its duties, and had left it only some questionable rights to certain fruits, for ingathering and handing over the value of which to the burgh, Robert was required merely as an eidolon or image of the old dignitary; and he might, in fact, be considered a tulchan Vicar, just as at an earlier time there were tulchan Bishops, who held office mainly for the purpose of drawing the revenues of their Sees for the benefit of those who had obtained grants of them.

1626. Feb. 2. When the new episcopal order had become established, all church offices were held to be of higher account, and the Council, "with the consent of ane reverend father in God, David, Bishop of Brechin, and of the present ministers and sessioners of the Kirk," executed a formal deed establishing and confirming Robert Stibbles—who they found had hitherto "behaved very honestly and dutifully—into his ordinary office of reading the word of God twice ilk week day, morning and evening, within the little East Kirk," and in "reading and uptaking the psalm ilk Sabbath day in the West Kirk," for which "there was assigned to him the whole commodities presently enjoyed be him of the books

of marriage and baptism," and also a yearly payment of twenty pounds. And after some more years, finding him to be true and faithful in his office of reading in both Kirks and "taking up the psalm in the West Kirk, and in order to encourage him in his dutiful service, they increased his stipend to twenty-four pounds."

But when there followed the time of trouble to the Kingdom and to the Church, on the great questions of episcopal rule and the forms of worship, the poor old Vicar got into sore tribulation. He had attached himself to the newly constituted ecclesiastical order, and had come to believe that his little office formed no mean part of its system; and when the Council, desiring to assert their own prerogative, and with little good feeling towards the Bishops or to the Vicar's assumed dignity, demanded to know about his intromissions with the Vicarage, and "requyrit sundrie times the extract of the whole Kirk rents, both ordinary and extraordinary," he fell back upon his vested rights, and declined to make returns; and more above, showed "a contemptuous carriage to the magistrates," in return for which they immediately discharged the treasurer from making payment to him of his stipend. But Colin Campbell, one of the ministers, for himself and in name of the others, "protested that nothing should be done to Robert Stibbles for any ecclesiastic cause," and so held the ægis of the Church over him. Then the Council, finding that they could not dispossess him of the office to which their deed had given him the right, "discharged all other acts granted in favour of him in any sort, and all benefit can redound to him thereby;" thus purposing to deprive him of the Vicarage. This was not, however, to be easily effected, for the new ecclesiastical power had narrowed their authority, and they found themselves unable to exorcise out of the Church even this phantom of a Vicar which they had raised.

1637. Sept. 4.

But a great revolution was then in progress. The new liturgy, which had just been promulgated, was being triumphantly enforced, when the opposition, which began in St. Giles' Church, almost immediately became national, and soon culminated in the adoption of the Solemn League and Covenant. After the Council had themselves signed this bond, they thought that by means of it they might deal with Robert Stibbles, and concuss him into making a disavowal of his

1638. May 25.

ecclesiastical superiors, so he was brought before them, and "required to subscryve the General Covenant, or else to allege his defence in the contrair." Poor old man, what could he, sitting on the bottom step of the Kirk stair, have to say against the Covenant, when Archbishop Spottiswood, at the head and *ex cathedra*, could only cry despairingly, "What we have been doing these thirty years by past is at once thrown down!" What wonder that he, "being oft times requirit, would propone nothing but only ane mein [of] 'Vaiked Sea!'[1] and that his ordinar the Bishop of Brechin, as he allegit, would deprive him of his place on his hame coming. Whilk being taken notice of be them, and they therewith being weill advised, they fand themselves bound be the Covenant itself to concur in the defence of any who should happen to be pursued for that cause; and for forder satisfaction of the waikness of the man, they obliged them to concur in defence of him of any punishment or censure that it would happen him to incur be the Bishop of Brechin, his allegit ordinar; and for his assurance thereof, they gave their clerk warrant to subscryve this act;" which he thereupon did. But before long Robert became frightened at the alliance between the Council and himself against the Bishop, so he went to the house of Alexander Wedderburn, the clerk, "and there, in presence of Doctor Patrick Blair and James Rollok of Monksholm, earnestly desirit and gave Mr. Alexander warrant and sufficient power to deleit and score throw the above written act." This was accordingly done, and he thereby felt himself released from the unholy compact.

Shortly afterwards, when the episcopal rule ceased in the Church, and the Bishops themselves had disappeared, this shadowy Vicarage also vanished, and Robert no longer received its teinds or paid its rental. But after the fruits of the little benefice had been wasted for some time, they were again rented to the old incumbent at a lower rate. "The Council set in tack to Robert Stibbles and his heirs of no higher degree nor himself, all and haill the Vicarage teinds of the paroch Kirk and parochine of Dundee, with the haill emoluments thereof, for three years for ane hundred pounds yearly; likeways, they gave him full power to gather the duties of the three years bygone, for which he obliged him to pay two hundred merks." Robert's profits out of his

1642. Nov. 1.

[1] "Only a moan of 'Vacant See!'" The lately appointed Bishop had not been ordained.

living must have been considerable. With much discretion he had invested them in land, seven acres of which Margaret Stibbles, probably his daughter, sold to the Hospital master in 1665 for the sum of fifteen hundred and fifty merks.

AN EDINBURGH BURGESS AND THE DUNDEE BAILIES.

James Ker, merchant burgess of Edinburgh, in July 1611, came to Dundee, and at the ordinary market began to buy grain in bulk, a traffic from which strangers were prohibited, "and the Bailies causit apprehend and lay hold on him and commit him to ward within the tolbuith; and before they put him to liberty, compellit him to find caution" to compear and underlie the law for his offence. But he returned to the town in August, during the proclaimed market "callit the first fair," and was again found to be "using the same merchant trade in the fair." Having then been "admonished be Bailie Finlason to forbear the buying of ony mair victual nor micht furnish his awn house the space of aucht days, conform to the acts of the burgh, he proudly and disdainfully answerit that he regardit na Bailie of Dundee, and that he would buy as meikle victual as he pleasit; and being desired be some neighbours standing by to discover his head to the Bailie and do him mair reverence, seeing he represented his Majesty's person, he, with the like disdain and contempt, answered that he aucht the Bailie na courtesie, and that he had na regard of his office." For this outrageous conduct, "the Bailies of new took and apprehendit him and committit him to ward within the tolbuith, and there detenit him and compellit him to pay ten pounds unlaw."

On his return to the south, Ker lodged a complaint with the Lords of Council regarding the ill usage and insult which he, an Edinburgh citizen, had received from these irreverent northern Bailies, wherein he declared that although "the taking of his Majesty's free lieges be straitly prohibit be mony guid laws under certain pains, yet, notwithstanding, it is of truth" that in July, he being then "in the market of Dundee chaiping some bolls of wheat, the Bailies, without ony just

[reason,] causit lay hold on him, and detenit him as prisoner four or five hours," he being "his Majesty's answerable and free liege, and having committed na crime nor offence meriting such hard censure;" and likewise in August they not only again "dètenit him in ward, and haillie disappointit him of his trade and handling in the fair at that time to his heavy hurt, but also compellit him to pay to them the soum of ten pounds, as gif he had committit some injury or offence against them." All which they did "in high and proud contempt of his Majesty, his authority and laws, and for the quhilk they aucht to be punishit to the terror of others to commit the like heirefter;" and he raised letters charging them to compear and answer before the Privy Council. "So the charge having been callit, the pursuer and Bailies Goldman and Finlason compeired personally in Edinburgh, and the richts and allegations of baith the pairties having been heard and considerit, the Lords of Council found that the defenders very lawfully and orderly committit the pursuer to ward and fined him ten pounds, and assoilized them fra all pain, crime, and offence that may be imput to them therethrow; because they producit ane act of court bearing that he was tane and committit to ward for his contempt, undutiful speeches, and irreverent behaviour to the Bailies. And because he had troublit them and compellit them unnecessarily [to compear] in an unseasonable time of year," (it was only September,) "without ony just cause, therefore the Lords ordainit him to go back again to Dundee with the Bailies, and enter his person in ward within the tolbuith thereof, and remain there upon his awn expenses till he give satisfaction for troubling them, and drawing them to Edinburgh," and until they relieve him.

1611. Sept. 21. In obedience to this decreet, Ker returned ignominiously to the burgh, "and entered his person within the tolbuith," and, being now quite subdued and penitent, "offered him most willing and ready to remain in ward so long as the Bailies pleasit, and until they thocht themselves satisfeit for the wrang done be his irreverent behaviour to Bailie Finlason, and for chairging them to compeir before the Privy Council wrangously—quhilk wrang he acknowledgit to be very grite, and therefor referrit him in their will, and faithfully promised to behave himself dutifully to the Provost and Bailies in all time coming."

A TRAVELLER WHO SPOKE TOO FREELY ABOUT SCOTLAND.

1613. JUNE 30.

Alexander Wedderburn, the clerk, "was appointed commissioner to compeir before the Lords of Secret Council, the first day of July, to answer at the instance of Mr. Patrick Gordon anent Stercovius execution, and refunding to him of the expenses made thereupon." John Stercovius was a Pole, although called in one entry a German, who shortly before this visited Scotland under unfortunate auspices, and afterwards published a severe criticism upon the country, which incensed King James to such a degree that he took measures for having the poor man prosecuted and beheaded in Poland. "In a rare poem entitled, 'A Counter-buffe to Lysimacus, Junior, calling himself a Jesuite, 1640,' the fate of [this traveller] is alluded to. The stranger had unhappily appeared in Scotland in the dress of his native country, which attracted the attention of the idle, and brought down upon him the derision and abuse of the populace.

> 'Hither he came, clade all in antique sort,
> Where seen in streets the subject of a sport,
> He soone became to childish gazers, who
> With skriechs and clamours hiss him to and fro.'

Nettled at such rude and inhospitable treatment, he published 'A Legend of Reproaches' against the Scottish nation, shortly after his return home; which, having reached the ears of his Majesty, he procured the arrest and execution of the hapless Stercovius. The death of this Pole was accomplished at an expense to the King of six hundred pounds sterling. The instrument whom James employed was one Patrick Gordon, a subject of Scotland then resident in Poland—probably the author of the 'History of the Valiant Bruce,' (in verse Dort, 1615.) With a dexterity for which the sapient James was celebrated, he attempted to extort the price of this innocent man's blood from the burghs of Scotland. It is believed that he was foiled in that

attempt."[1] This is, however, an erroneous surmise. The first call of the Privy Council at the instance of Gordon did not produce the expected response; neither did another which was made six months later, when a commissioner was sent by the Dundee Council "to answer the summons pursued against them be Mr. Patrick Gordon, anent the expenses allegit debursit be him in pursuing of ane callit Stercovius for setting out ane infamous book." But ultimately the
1614. Mar. 1. Convention of Burghs agreed that the money should be paid; "and the Council, having considered that they are justly awing the town's pairt of the soum of six thousand merks grantit, at his Majesty's desire, be all the burrows of the realm to Mr. Patrick Gordon, his Majesty's agent, for recompense of his pains taken in the prosecution of ane German callit Stercovius for writing ane infamous book against this haill nation," therefore, resolved to pay the sum of seven hundred merks with which they had been charged.

DIVERSE VENIAL OFFENCES.

After the time of municipal disorder, when the town had returned to its wonted quiet estate, we find that offences again became few, and
1613. June 15. that they were usually of a venial character. Francis Kynmond, son of William Kynmond of Hill, and Andro Ross, servitor to Sir George Hay of Nether Liff, being in the town upon business, they were invaded by John Gray, maltman, and two of his servants "striking and hurting of them with swords, and challenging of them and saying that they had stolen Gray's horse, and otherwise abusing them shamefully." When order was taken with the tuilzie, the maltman made no complaint against the young men for stealing his horse, but alleged that they had been "troubling and molesting him and his servants;" at which charge Ross lost his temper, and "used injurious words to the magistrates." Whereupon both parties were required to find caution under the pain of five hundred merks "that ilk ane of them sall keep our Soverane Lord's peace."

[1] Pitcairn's Criminal Trials, III. 448.

John Carnegy, merchant, having somehow become obnoxious to certain sailors, "James Davidson, assistit with ane grite number of other mariners, cruelly invadit and strak him upon the face with their hands, and boistit and shovit to cast him over the shore;" and this in presence of Bailie Mudy beholding the injury, and in manifest contempt of him and his authority;" and thereafter, another mariner invaded him "in the Murraygait with ane drawn whinger of purpose to bereave him of his life." These hostile acts having been proven by the testimony of diverse famous witnesses, Davidson was ordained to enter into ward during the pleasure of the offended Bailie, and thereafter "to pass to the shore, and there, openly upon his knees, crave his pardon;" while each of the other assailants was fined ten pounds.

Robert Gilchryst, Council officer, "mispersonit Margaret Jak, relict of James Goldman, by calling her Auld carling! and saying that he cared nocht for her nor ony of her kin sen her son William wes weill away." For this unbecoming language, the Council "deposed Robert fra his office perpetually, and ordained him to be imprisoned in the steeple during their wills and pleasure."

1613. Nov. 23. The house of Andrew Guthrie, litster, stood upon the north side of the Murraygait, its gable being probably toward the street. Beside and in front of it was that of Fergus Lyon, another litster, who, as we saw before, had troubled some of his neighbours by closing up an inner passage with a gate. He was now improving his house, and had erected upon the roof of it "a grite storm windok," which annoyed Guthrie because it overlooked his dwelling and injured its amenity, and he and his friends, David Baldovie of that ilk, and John Ramsay, his brother-in-law, who had been upon a visit to him, were charged with having "under silence of night demolished and thrown down the head of it to the ground, and broken the glassin windoks of the back tenement looking toward the close, in contempt of his Majesty's laws and authority and in evil example to others to commit the like incivil and intolerable riot within ane civil burgh." Ramsay, who is sneeringly designated "a citiner of Brechin," as if that somehow accounted for his lawless proclivity, "confest the down casting of the windok and the breaking of the glassin windoks," and therefor was ordained "to pay ane unlaw of ane hundred pounds, and to remain in ward within

the tolbuith until Fuirsday, and then pass to the place quhair the wrong wes committit, and there humbly crave pardon for the offence in sic manner as may be enjoined at the time"—the intention evidently being that this should be done upon the house top—and also repair the glass, "and put up the storm windok in as guid estate as the same wes before the demolishing thereof." Baldovie and Guthrie were freed from the charge, because, it "having been referrit to their aiths of veritie and being sworn thereupon, they deponit that they naither did the wrang, nor consentit to, nor assistit therein."

1615. JULY 24. John Gray, a servitor to Bailie Mudy, having been apprehended by "ane of the constables for the cruel striking and hurting of James Gardyne, post,"[1] he made a stout resistance, and the officer had to call upon two others, Farquhar and Glenny, to assist in "putting him in ward." But they themselves fared badly, for John "cruelly strak Farquhar, and pullit him to the ground, and dang him with his feet upon the body;" and then Thomas Gray, collector of the crafts, "cam furth of his awn house upon suddentie and took John furth of their hands, and because Glenny resisted, he strak him with his left hand backwart upon the face; and theirefter, quhen that officer declared that he should complain to the Lords of Council for the wrang, he took him be the lug and pullit and threw the same, in evil example to others to commit the like riot." John Gray, for resisting the officers, was "ordained to tyne and amit his freedom, and also to pass to the place quhair the offence wes committed and humbly upon his knees to crave their pardon; and because he had no money to pay for the wrang" done to the post, he was "commanded to remain in ward within the heich tolbuith aucht days." Thomas "confest the striking of Glenny and drawing of his lug," and therefor was required "to mak amends and assythment to the satisfaction of the pairtie at the sicht of the Council."

While William Rob, baxter, was "drinking in John Corbet's house, he maist slanderously and maliciously blasphemit Patrick Powrie, ane of the Council, for his passing in company with the Provost and Bailies before the Lords of Privy Council, to produce their reasons why the Acts of Council standing against Robert Flesher should nocht be

[1] One having charge of post horses.

rescindit,[1] by calling him 'Ane Judas quha carried the purse'—he na way having given William occasion to misperson him efter that manner." It having been clearly proved by diverse famous witnesses that William, "when full of drink, had maist seditiously" uttered these words, he was ordained to pay "twenty pounds unlaw and to remain in ward till he satisfied the pairtie. And in case he should be found heirefter reviling Patrick, or any other public office-bearer, to tyne his freedom and have his name deleit furth of the Guild buik for ever."

1615. Oct. 26. William Craw, servitor to David Graham of Fintrey, being in the town along with his brother, he behaved himself in an outrageous manner to William Duncan, mariner, and frightened him so that he went to Bailie Kyd and "gave his aith that he wes in dread lest he should receive bodily harm." So the Bailie proceeded to take order in the matter, and charged Graham's brawling retainer "to pass to the tolbuith for finding lawborrows to the mariner. But this he refused to do, "and carried himself very undutifully in taking his sword lowse in his hand and drawing a pairt thereof furth of the skabert for resisting of sic as assistit the Bailie in putting him in the tolbuith. And his brother, upon suddentie, wes moved to draw his durk in the presence of the Bailie, thereby giving offence, and an evil example to others to attempt the like and break his Majesty's peace." A few days' durance had a salutary effect upon these swashbucklers, who, thereafter, "confest and declared that they were maist penitent for the wrangs and disobedience above written, and submitted themselves *simpliciter* thereanent;" and became bound "under the penalty of five hundred merks, and the pain of infamy, perjury, and tynsall of their credits, to keep his Majesty's peace" toward William Duncan and all other inhabitants.

"William Hill was convict, be his awn confession, in the striking of Eufame Schippert, his spouse, and in breaking her head to the effusion of her bluid in grite quantity; and therefore he was ordainit to pay fifty pounds in name of bluid wite, and to mak satisfaction to the Kirk and the pairtie at the sicht of the ministers and session; and gif he shall be found striking his wyiff heirefter in like manner, to

[1] These Acts of the Privy Council had been standing against Robert Flesher in consequence of the part he took in supporting the disorder of the crafts.

pay ane hundred pounds, besides [submitting himself to] the censures of the Kirk."[1]

1615. Dec. 12. "On St. James' day, as Thomas Scheir and William Hay, indwellers in the Hill, were quietly passing to their awn houses under silence of nicht," they were "pursued with ane drawn sword by John Lyon," a man already famous for his violence, "who strak and woundit them in diverse pairts of their bodies to the effusion of their bluid in grite quantity." Lyon was apprehended, and the matter having been put to probation, he was "convict in troublance and in bluid, and found to have incurrit the pains contenit in the acts made thereanent; and was ordained to satisfy John Gibson and John Keill, chirurgians, for the curing of the wounds, and to relieve the wounded persons" from the charges thereof; "and forder, to pass to the place quhair he committit the wrang, and there upon his knees to humbly crave the said persons' pardon for the offence, and deliver to them his sword be the point." As we have noticed, the Hilltown of Dudhope was outside the burgh boundary, and beyond the jurisdiction of the magistrates; and its inhabitants were held to be aliens who possessed no right to the protection of the burghal laws. But of late an improved relationship had been growing with the Rotten Row. The Scrymgeours and the burgh were for the time at peace. Sir James was dead, and the Council had begun to treat with his widow, Lady Margaret Seaton, for the purchase of Baldovan mills; so it was good policy for them to be conciliatory

[1] By this time the law had become obsolete which gave a husband the right to correct his wife—providing that he did it judiciously with good intention—and enacted that, if her death resulted, "no man was to pursue him hard, except it be notoriouslie knawn that he did slay her—speciallie gif he did love her as ane husband should." Regarding the origin of this law, Sir John Skene says:—"In the time of King David II., ane man of gude fame gave to his wife, descended of great blude, ane blow with his hand with gude zeal and intention to correct her. And she being angrie with her husband, after that day would not for na man's request eat nor drink, until she deceased and entered in the way of all flesh. The friends of the woman accused the husband for the slauchter of his wife, and because it was notour and manifest that he did not slay her, nor give her na wound of the quhilk she died, but gave her ane blow with his hand to teach and correct her, and also, until the time of her death, loved her and entreated her as ane husband weill affectionat to his wife, the King pronounced him clene and quit, and thereanent made this law."—Regiam Majestatem, ii. 39.

toward the Constable's dependency, and this exploit of John Lyon, who had become very obnoxious to themselves, offered an opportunity for gratifying the neighbours of the wounded men, by subjecting him to public contumely and retribution at the place where he committed the wrong.

THE LIBRARY.

There is reason to believe that at an early period a library had been gathered within the precincts of the Church, and that it contained not only a number of early printed volumes, but also ecclesiastical manuscripts of historical value. Some of the books appear to have escaped destruction at the time the English burned the Church after the disastrous field of Pinkie Cleuch, and these were preserved with care. The collection, as it existed until a recent time, was kept in the old apartment at the west end of the southern aisle of the chancel, and it "contained nearly eighteen hundred volumes, among which there were many rare and curious works, some of them being about as old as the invention of printing;" and a number of them "bore to have been repaired by William Christeson, the first reformed minister of the town."[1] The earliest notice of it which we find in the records, occurs in 1609, at which time the kirkmaster was "appointit to accomplish the wark already begun in reparation of the common library in the west end of the East Kirk."

1613. Sept. 21. When the heads of St. Andrews University desired to erect a library building, they applied to Dundee for help, proposing in return to give a donation of books. "Ane supplication was presentit to the Council be Mr. Peter Bruce, Principal of Sanct Leonard's College, St. Andrews, and Mr. Henrie Danskyne, Master of the Grammar School of the said city, as commissioners for the University, bearing in effect:—'That seeing it hes pleasit the King's Majesty our Soverane Lord, out of the gude affection and princelie desire of his Highness' hairt, to have ignorance banished, barbarity rooted out, virtue advancit, and

[1] Thomson's Hist. of Dundee, 305.

gude letters to flourish within his kingdom of Scotland; and upon due consideration that books are the special means and preservatives of knowledge and learning, to bestow ane grite number of the best, most profitable, and chosen volumes of all arts and disciplins, as ane pledge and earnest-penny of his royal munificence, to be continued yearly to such time as the library of the University comes to some reasonable perfection; and as his Majesty hes willit the Masters and Professors to provide ane house quhairin these books may be safely keepit and preserved, and because they are nocht able out of their awn moyan to cause build ane house answerable or proportionable to his princelie propyne, that therefore they are moved to crave the help of his weill affected subjects, of the nobility, barons, burgesses, and others of this his Majesty's kingdom, thereto; and that knowing the Council of the burgh of Dundee to be both able and willing to forder such laudable purpose, they are therefore moved particularly to crave their favour and aid for effectuating of that work. Promising in name of the University, that gif there be doubles of any books in their library, (as they hoip there sall be many,) that they sall be conferrit and given to the use of the library of Dundee, as interchange of mutual love and Christian charity doeth require.'" The Council readily agreed to grant the request; "and, upon these respects and considerations, faithfully promittit, bound, and oblist them to give freely and willingly for ane subsidy and help the soum of three hundred merks, and this to be eikit to the next stent that sall be imposed upon the inhabitants."

The library building which the University then succeeded in erecting had been of a somewhat mean character, but it was re-edified and much improved during the following century, before the famous visit of Dr. Johnson, who admitted that it was elegant and luminous, but sneered at the Professor who tried to subdue his vanity by telling him that there was no such repository of books in England.[1] With regard to the second copies which were so freely promised to the Dundee library, there is no record as to whether any such had been received, but we know that it was rich in those "profitable and chosen volumes" which the sixteenth century produced, and some of these had probably been doubles from the King's "princelie propyne."

[1] Johnson's Journey to Scotland.

Although the books were used mostly by scholars and studious men who knew their value, it was found that irreverent and careless hands were sometimes laid upon them, and the Council ordered that there "shall be ane visitation of their library yearly till try the estate of the books therein, that none of them be spoiled, mouled, or riven, naither wanting of these whilk are conteined in the inventare; and that there be ane other new inventare made, and that [it, along] with ane of the keys of the library, shall remain in the custody of the kirkmaster. And because the ministers, scholars, and students have the most frequent use of the books, therefore and for the better keeping of them, the ministers and those quha have the keys shall be comptable for them, conform to the inventare, and shall neither len, put away, nor give out of the library any of them without the consent and advice of the kirkmaster, and that upon sufficient pledges to be put in [his] hands until the delivery thereof back again in as good estate as they were lent." And when "the kirkmaster demits his office, he, with the ministers, shall give ane compt of the whole books to the Council, and shall deliver to his successor the inventare, whilk shall mak mention of the name of ilk book, of the giver, and quhen it was given; and also shall deliver to him the key of the door of the library." These regulations appear to have been framed so as to secure the safe and proper keeping of the books, and it will be observed that, while the ministers had the free use of them, the Council reserved to their own official, the kirkmaster, the full oversight; and this would indicate that a question had already been raised upon the point which afterwards caused much discord, namely, whether the library should be in civic or ecclesiastical keeping. Notwithstanding the stringency of the rules, it was found, some years later, that there were still irregularities in the management, and the kirkmaster was instructed "to deal with the ministers to get in all the books belonging to the library, and these being gotten in, that ane inventare be made thereof, and the same to be furthcomand to the kirkmasters *pro tempore*." We regret having been unable to find any of these inventories; such a catalogue, and with the donors names, would be of much literary and antiquarian interest.

1636. MAR. 7.

1647. DEC. 7.

During the time of civil broils the love of "gude letters" had

almost ceased in Dundee, and for a long season the scholars and the students were so few that the fields of learning lay fallow; and when the dull eighteenth century had come and gone, the old library was almost forgotten, or known only to a curious few as a musty storehouse of antiquated knowledge. And so the books were held to be of little account, until after the Church was destroyed by fire in 1841, when it became known to those who cared to know, that many of them had been of rare value. Amongst the ruins were found some scorched leaves of Bellenden's Boece, and of other early printed books, which indicated that the place had contained treasures, and that an irreparable loss had been sustained. A friend tells us that, when he was a boy, the Church beadle sometimes entertained him in the old vestry by opening up black letter volumes and exhibiting their curious and grotesque pictures, and only long afterwards he learned that unwittingly he had been looking at choice productions of early typographic art, some of them, no doubt, being the highly prized first editions in which the fathers of English letters spoke.

PREPARATIONS FOR THE RECEPTION OF JAMES VI. IN THE TOWN.

1613 Aug. 10. There having been at this time an expectation that King James would make an early visit to his native land, it was thought proper, in order that he might see the old town at its best, to have some of the public buildings improved and decorated. The treasurer was instructed "to cause gilt his Majesty's arms on the Mercat Croce, and also the horologes[1] on the steeple, to repair" the steeple itself, "its windoks and its lofts, to colour the windoks of the tolbuith, and to reform the arms being thereupon." On the ancient escutcheon of the town there was a figure of the Virgin-mother and Child, she holding in her hand the lily, the recognised emblem of purity, which was adopted as the burghal badge. But with the more rigid puritanic feelings which had

[1] Clock dials.

become developed, such images could not be permitted to remain upon the common seal and on public buildings, and the old shield, with its beautiful emblematical meaning, was replaced by that wonderful device now borne by the town, of the two dragons with tails interlaced, bearing, indeed, the central lily flower, but without significance—a lily and nothing more. So the design on the painted windows, gifted by the Guild of merchants some twenty-six years before, had been removed, and the re-formed coat of arms substituted. Another presentment of the same device was afterwards placed inside the chamber. In 1647, "John Williamson, clerk to the town of Stirling, did offer and deliver to the Council ane token of his service be carving the town's arms and mounting the same upon ane brod," and this was "ordained to be hung up in the Council-house." The new escutcheon, which had been assumed and used by the burgh without formal sanction, was confirmed in 1673 by the Lyon King.[1]

It was not until 1617 that the King paid his long expected visit to Scotland. Great preparations were made to do him honour, for the people felt proud of the dignity which he now held, and were gratified at the prospect of having him again amongst them. The Dundee Council resolved to give him a loyal and patriotic welcome, and to have the town put in good order fitting the occasion, for the cost of which they levied an assessment. It was agreed "that ane taxation of three thousand merks sall be set and imposed upon the haill inhabitants, and liftit with all diligence, for defraying of the common chairges to be made upon the reparation of the ports and calsays, and of the steeple, and making ane barge for transporting of his Majesty over the water of Tay, and other extraordinary preparations for his honourable and contented reception within the burgh in this approaching simmer season." The money appears to have been given with good will, and the work of improvement was entered upon with spirit. The sovereign of three kingdoms could not be brought over Tay in a ferrier's boat, so a seemly barge had been provided, not magnificent, as those he used upon the Thames, but no doubt well enough to give him good content.

1616. Dec. 10.

[1] The ancient seal of the burgh, as restored from the only impression of it which remains in the town's archives, and from an engraving of another injured impression given in "Laing's Seals of Scotland," is represented on the title page.

He dearly loved a fine show, so the pageant must not be marred by passing through broken ports and battered gates; and, as he had a rather uncertain seat upon his horse, there should be no danger of interrupting the progress of the cavalcade by treacherous paving stones. Then the tower of St. Mary, at that time as now, the chief feature of the town, should not stand ruinous and unsightly, while its joy-bells rang, and its big guns boomed a noisy welcome on the great occasion.

The King's seat in the gallery of the East Church, which he in his younger days frequently used, had not been reckoned sufficiently ornate, and another, with greater "decornament," was now constructed.

1617. JAN. 8. A contract was entered into "with John Blak, wricht, in manner following—to wit, the said John oblissed him to wirk sufficiently ane seat for his Majesty within the Kirk in the place quhair his auld seat wes situat, and that according to the pattern and draught made be John Smyth, painter, and as sall be enjoyned to him be the kirkmaster," who "oblissed him to pay to John for himself and twa sufficient servants quhom he sall use and employ in the wirking of the said work, oulkly, sa lang as he and his servants sall wirk, the soum of aucht pounds money ilk Saturday at nicht; the Council likeways agreeing to give him ane reasonable bounty for his work according to his deserving. And the said John promittit to enter daily at five hours in the morning, and nocht to leave his work till seven hours in the nicht."[1]

The King arrived in Edinburgh on May 15th; he then made his way over to Fife, and spent a few days in hunting at his favourite old seat of Falkland. Thereafter, as shortly related by David Wedderburn, a brother of the town clerk, in some notes which have been printed by Mr. James Thomson, "he, on the 21 of May, being Wednesday, cam o'r

[1] The seat which John and his servants then made remained in the Church until some sixty years ago, when it, along with other curiously carved oaken work, was cleared out to make way for those decorous deal pews painted in drab which were so orthodox, and represented so well the æsthetic feelings of the time. A portion of the back of the seat was somehow saved from destruction, and is now placed in the museum. Upon it are the royal arms —the lion rampant with the legend IN DEFENCE, and underneath, the crown, the sword and sceptre crossed, and the national thistle, with the motto OBEIR AU ROI. I. 6. The carving is a good example of the solid and honest "wricht" work which was so characteristic of the period.

the wattir of Dundie and schippit at the Sout Feray and landit at the Rude, and cam to Dudop lait and sleippit thair. The morn tymous he red to Kynaird, and remainit" there till Friday, the 30th, when, as Wilson has recorded, he again "advanced to Dundee, and was welcomed by the town clerk in a panegyrical speech, and by two Latin poems."[1]

The visit of James to Scotland had been long delayed in consequence of his want of money, and it was only undertaken after he received a large sum from the Dutch government for the surrender of certain towns which were held in security. Notwithstanding this, Parliament was called upon to make provision for the expenses, and the Dundee Council, "understanding that they are chairgit to mak payment of the burgh's pairt of his Majesty's taxation of twa hundred thousand pounds, grantit to his Highness for the supply of the chairges of his journey toward this kingdom, quhairof the first term's payment, extending to ane thousand seven hundred four score ane pounds three shillings four pennies," is now due, concluded to make an assessment for the amount, and six months afterwards they agreed to impose a like tax for the second instalment.

1617. Oct. 7.

ALEHOUSES.

1614. Feb. 22.

Already, even in these simpler days, unprincipled persons had begun to adulterate articles in common use. "The Council, being informit that there are maltmen who, to the hurt of the poor browsters and others his Majesty's lieges, mak grite quantities of aits into malt, and mix the same with malt made of bear, and sell it for as grite prices as the malt made of bear, the prices of the bear and aits being very different and disconform—the boll of bear being sauld for aucht pounds, and the boll of aits for seven or aucht merks—by the quhilk fraud the simplicity of the poor hes been very far abused," therefore

[1] Hist. of Dundee, 64.

have ordained "that na person sall mak any aits into malt and sell the same to any neighbour heirefter, aither mixt or unmixt, under the pain of forty pounds."

There have always been too many tapsters desirous of providing ale and other liquors for the supply of the inhabitants. Such experiences as modern magistrates have of this, were felt long ago by the city fathers, who found "that a grite number of persons with their households resort fra landwart to the burgh, and settle their abode within it, and mak malt, brew ale, and tap and sell the same with as grite liberty and immunity as the free burgesses and brither of Guild, notwithstanding that they be unfreemen, to the grite hurt and prejudice of the commonwealth, and the wrack and overthrow of the families of many, who hes no other calling to lieve be nor the brewing and selling of ale to the furnitour of the inhabitants of the burgh and his Majesty's lieges resorting thereto." Therefore, and for remeid of the same, they ordained "that na person heirefter of quhatsoever quality shall be suffered to mak malt, or brew ale, or sell and tap the same within the liberties of the burgh except freemen and burgesses. And in case any one shall happen heirefter" to transgress this, "he shall pay ane fine and be dischairged fra all using of the said tred." It was, however, declared, with all consideration for established rights and abuses, "that this shall nocht be extended to those who hes been actual brewers and sellers of ale before the making of this act."

1621. Feb. 7.

Besides the hurt which the brewers sustained by the encroachment of strangers, the native industry was, at an early time, endangered by an attempt to introduce English beer of a quality superior to the home brewed. The Council, however, suppressed this trade, not by imposing a tax and raising the price upon consumers, but by enacting that it should be sold so cheaply that importers could have no profit. "It was ordained that there be proclamation made be the drum that the English beer be sold at no higher rate nor two shillings, under the pain of five pounds *toties quoties*;" and the result had likely been that the speculation came to an end when the first lot was drunk up.

1643. May 9.

NARROW THOROUGHFARES.

The facilities for locomotion were at this time in an almost primitive state. Outside of the town the roads were simply unmade tracks, and inside they were of the rudest description. Even the accesses to the harbour were narrow, winding, and irregularly paved. Such thoroughfares, had, however, suited for the ordinary traffic, when horses bore the merchandise upon their backs or dragged the bulkier articles behind them, for the time of waggons had not come, and even the humbler cart was hardly known. It was found that "be the carrying of burdens upon horse backs and be horse draughts upon the shore, that the pavement of the same is broken and destroyed;" so, to keep the traffic off this pavement, it was ordained "that the east side sall be halden continually void of all timber or other geir quhatsoever, to the effect that horse may pass up and down the samin at all occasions, and in case the piermaster suffer" such obstructions "to lie attour six hours, that he pay ten merks to the shore wark;" and if "any horse be found heirefter upon the mid pavement," (which already had been a favourite promenade,) "that the owner pay for ilk contravention twenty shillings; and farder, that na person presume to lay or hald any timber upon the bounds of the Fish mercat or shore adjacent thereto." 1614. Sept. 12.

After the harbour was improved, the quays were maintained at little expense. Andro Wast agreed "to uphald the mason wark of the new shore betwix the windmill and the auld shore, togidder with the pavement of the auld shore, and the new shore at the Fish mercat, as also the new mill of Baldovan, upon his awn expenses during the haill space of his lifetime; the township furnishing all materials necessar to the wark," and discharging "him of all payment of taxation to be imposed upon the burgh heirefter."

We have seen already that Skirling's or Tindal's Wynd, one of the principal accesses to the harbour, was reckoned to be so spacious that proprietors on the one side of it got leave to erect outside stairs, and we now find that it had still been considered roomy enough for

horse loads to pass through, although stairs were also put forth upon the other. "The Council being convenit on the ground pertening to Robert Davidson, lying on the west side of Skirling's Wynd, gave liberty to him to big ane hingand stair of timber upon the east gavel of his tenement toward the south end of the said vennel; providing that he pretend na richt to the bounds under the stair, nor na privilege without the gavel in time coming." This grant illustrates how hanging stairs, which used to be so numerous, were projected and established in narrow streets; the next shows how one of them became metamorphosed into a house front, and explains the process of narrowing thoroughfares by the accretion of buildings. John Petrie, owner of "a tenement lying upon the north side of Argylesgait, had liberty grantit him be the Council to big up the fore-face of his fore-land fra the ground in solid wark, without ane hingand stair as of before." For the acquisition of this portion of the street, John agreed "to content and pay the Hospital master three shillings four pennies yearly, and farder, oblist him na way to stop the passage and transs under the fore-land, quhilk passes to the inner house callit St. Salvator's land, be setting of loads and burdens within the same, in time coming, under the pain of forty shillings." In the close which leads to St. Salvator's land—an interesting structure of considerable antiquity—there may still be seen the eke which John made when he built forward the new face upon his house front.

1622. Oct. 8.

COLIN CAMPBELL, MINISTER.

1617. Nov. 16. After the death of William Wedderburn, Colin Campbell, minister of Kettins, was appointed to the third charge in the burgh. His stipend was not fixed until some months afterwards, and then the Council became bound to pay him "twa hundred pounds in recompense of his bygane service, and in time coming the soum of aucht hundred merks yearly in name of stipend, by and attour his house mail, in manner as the same is payit to the remanent ministers." They subse-

quently, "in consideration of the true, diligent, and faithful service done be him in the dischairge of his ministry thir seven years bygane, and specially because of the extraordinary pains taken be him therein since the decease," (the previous year,) "of umquhile Mr. James Robertson," granted to him "in recompense, yearly and ilk year, during the time of his serving the cure, ane hundred and ten merks in augmentation of the aucht hundred payit him of before and of his house maill, making in the whole the soum of ane thousand merks. Providing always, if it shall happen him to be providit to the parsonage of the burgh be the Council or be any other way or mean whatsoever, and that the profit and commoditie thereof, (whilk is estimat to the soum of five hundred pounds be the Commissioners of the Plat appointit in anno 1617,) redound to him, in that case they shall be only holden to pay him twa hundred and fifty merks," so making "complete payment of ane thousand;" but this reduction of stipend to take effect only "after his admission to the parsonage—when it shall happen." 1624. Feb. 3.

David Lindesay, who was promoted to the Bishopric of Brechin in 1619, still continued to hold the place of parson in Dundee, and it would be only consequent upon his demission that Colin Campbell could obtain the benefice. The Bishop kept possession, however, until his translation to the See of Edinburgh in 1634; although the worthy minister did not go without further reward, for the Council, "after due deliberation had of the faithful pains tending to their common weill, taken in times bygane be Mr. Colin Campbell, ane of their ordinary ministers of God's word, all with ane consent granted to him in recompense, the soum of five hundred merks"—one half to be paid in 1631, and the other the following year.

He died in June 1638, and the Council in their records gratefully refer to him as "their godlie pastor," Colin Campbell. "His haill books were estimated to be worth two hundred pounds, utensils, etc., sixty-six pounds thirteen shillings four pennies, free geir, two hundred pounds thirteen shillings four pennies; and he left in legacie to the poor of the burgh forty merks."[1]

[1] Fasti Ecclesiæ, III. 694.

A WOODFIE.

1620.
SEPT. 26. David Duncan of Auchtergaven, near Dunkeld, being in the town, and probably carousing with his friends, he arrogantly "put in the hands of Thomas Scot, merchant, twa double-angels of gold[1] upon ane woodfie[2] betwix himself and Alexander Hering, he contending that Walter Riddell wes ane bastard, and Alexander standing to the contrary, under the pain of tinsall of the twa double-angels." The transaction having come to the knowledge of the Bailies, they were incensed at this duniwassal wagering his gold so offensively against the legitimate birth of a burgess, and they convened him before them to answer for the contempt. But Duncan had by that time become alarmed at his own temerity, and he at once "confessed that he did depone the money into the hands of Scot, to be given to Alexander Hering in case it were not of veritie that Walter Riddell wes ane bastard, but being now certified of the contrary," (and also being within the tolbooth,) "he wes not only willing to mak sic amends and assythment therefor to Walter as the Council would appoint, but likeways wes content that the twa double-angels should be given in the Bailies' hands to be applied be them to sic use as they should think expedient, and declared likeways that Alexander consentit thereto; and therefore desired Thomas Scot, being present in the Council-house, to deliver" the gold "to the Bailies for the use foresaid." Scot accordingly did this, and the matter came to what had been considered a satisfactory conclusion. Duncan lost his money, but he received a lesson against the use of slander; and Hering, although he won the woodfie, did not get it, because the Bailies had managed the business with such discretion that it remained in their hands "for sic use as they thought expedient."

[1] The double-angel was an English coin, value about twenty shillings sterling.

[2] Money in pledge: a wager.

A RASH BAILIE.

1623.
Nov. 4.

On the last day of October, "within the dwelling-house of Gilbert Gordon, skipper, upon the shore head, Charles Goldman, merchant, was sitting for the time in quiet and sober manner, trusting no harm nor injury of any person, but to have leived under his Majesty's peace and the protection of his magistrates, when Patrick Kyd, ane of the Bailies," entered to him, "and most suddenly and unhappily invadit and pursued him for his life, be dischairging and shooting at him of ane pistollet; for the whilk fact, and for the indignity committed be Patrick to the commonwealth of the burgh, to the peace therein, and to his office," it became necessary, "for the honour and dignity of the town, that order be taken to the terror of others and removing of public slander." So an officer was sent to the Bailie to personally warn him to come before the Council, but although he was "oft times called upon lawful time of day abiding, he compeared not, but excused his absence be sending with the officer of ane letter, subscribed with his hand, of the date the third November, bearing him to confess the committing of the foresaid riot, for which he declared he was unfeinedlie sorrowful, and submitting himself, and the assythment to be made be him, to the decision of the Council." They then having "heard, seen, and considered the reasons and allegations of Charles Goldman, and the sufficient verification of the riot be production of the letter subscribed be Patrick, and being weill advised, all in ane voice convicted him in dishonouring the burgh and abusing of his office of Bailierie, and therefore discharged him of the said office, and declared him incapable to brook and enjoy public function within the burgh heirefter."

John Denmuir had shortly before been appointed Procurator Fiscal of court, and this was his first prosecution. He seems to have conducted it in a rather pompous manner, and introduced a number of modern words put into improved spellings, as if he had been fresh from college with new theories for mending the simple old Saxon speech.

1627. Sept. 25. After some years, Patrick Kyd was again appointed a Bailie, his disqualification having been removed by Charles Goldman, "who, being present in the Council, for himself annulled the act made in contrair of Patrick, with all things that hes followed or may follow thereupon, and consented that the same be deleit furth of this book be thir presents, subscribed by his own hand and the hand of the common clerk." Patrick had no doubt recovered his character, and filled the office with propriety, as he was several times re-elected.

Charles Goldman seems to have possessed a faculty for provoking others and making enemies. He subsequently was bound "under the pain of five hundred merks no way to trouble nor molest Andro Gemblo, merchant, otherways nor be order of law," and Andro was also bound "under the like pain to keep him harmless in his body, goods, and geir." Another neighbour "maliciously uttered diverse evil speeches against Charles," and had to give security "never to trouble nor molest him, his wyfe, bairns, servants, family, nor tenants at any time heirefter aither be work, word, or deed in any sort, under the pain of forty pounds, as oft and sa oft as he contravenes, and for the surer observance of this, Mr. Colin Campbell, minister, acted himself cautioner."

1629. Nov. 27.

Such security as this was sometimes very comprehensive. When James Anderson "committed great wrong in throwing Robert Clayhills, younger, over the shore," his father, a merchant burgess, "became cautioner, surety, and lawborrows" that Robert "shall hereafter be harmless and skaithless in his body, goods, and geir of the said James or any of his causing, hounding out, command, receipt, assistance, or ratihabition[1] whom he may stop or let, otherways nor be order of law and justice," under the pain of one thousand merks; "as also to cause James to give ane assythment to Robert at the sight of the Council at what time he beis required."

[1] Confirmation.

JOHN DUNCANSON, MINISTER.

1624.

After the death of James Robertson, "Mr. John Duncanson, Feb. 20. presently resident at Montrose," was appointed minister of the second charge, by the Lords Commissioners of the Kirk of the kingdom, who "ordanit the Council to content and pay to him six hundred merks for transporting of himself and his household from Montrose to Dundee." Regarding which charge, "the Council, understanding that the common gude is nocht able to defray the same, therefore all in ane voice were content that the soum be eikit on the next term of the King's Majesty's grite taxation."

Notwithstanding that the Commissioners, by virtue of the authority which was vested in them, had legally appointed the new minister, the Council held that the right to make the nomination still rested with themselves, and although they had not received any authorisation equivalent to the ecclesiastical formula called a congé d' élire, yet, after Mr. Duncanson had come to the town, they proceeded to make an election with all the usual forms, and carrying out their contention in a discreet and prudent spirit, also appointed him to the charge. "After due deliberation and consideration taken be them of July 29. the qualifications of certain persons, leeted be them of before to bear the function, they all of ane mind and consent electit and nominat Mr. John Duncanson, lately resident at Montrose, to be ane of their ministers for serving the cure of the Kirk. And for Mr. John his better assurance of ane competent stipend, they faithfully promised to pay him yearly the soum of aucht hundred merks"—five hundred to be paid by the treasurer and three hundred by the Hospital master, who, in accordance with the arrangement made in the time of the former incumbent, "shall be relieved by the Guild of three score merks, by the crafts of fifty-twa merks, by the sailors of threttie merks, by the maltmen of threttie merks, and by the litsters of twelve merks—togidder with three score pounds for his house mail; and these soums of money Mr. John accepted as ane competent stipend for his service,

and in contentation of all other duties that he can ask or crave." It was not until after twenty years service that "their revered pastor gave in ane supplication craving some augmentation," and they having taken it into consideration, "unanimously condescended that he shall have an addition of two hundred merks, so that his stipend shall be one thousand, by and attour his house mail."

On John Duncanson's death, in 1652, "his executor desired that the Council would satisfie four hundred four score and fifteen merks" owing to him, and this "they thought most just to be satisfied, it being ane just debt." He left to the kirk session three hundred and sixty pounds three shillings eight pennies for the use of the poor.

THE FRIARS' MEADOWS.

1624. JUNE 8. The old monastic lands were by this time held in the unquestioned possession of the town, and were regularly let on lease. "The Council set to the tacksmen of the common mills all and haill those two meadows called Barrie's meadows, boundit betwix the common burial at the west, and the common meadows at the east, for nineteen years at the soum of aucht pounds Scots money yearly." Barrie's meadows covered the space now occupied by the upper end of Reform Street, and eastward toward the mill dam. The Howff was then of less size than it is now, but a portion of the meadow ground was subsequently added to its eastern end, and upon this, it will be observed, there are no tombstones bearing old dates.

1630. MAR. 23. "That haugh or meadow lying on the south side of the Tentour Hill, and on the east side of the meadow called Monorgan's croft, togidder with the lands lying about St. Francis' well, were set for the yearly penny mail of fifty-ane pounds; the meadow sometime occupied be Mr. John Lovell, boundit betwix the said lands at the north, and the meadow sometime occupied be William Kinloch at the south pairts, was set for eleven pounds;" and two years later, "that meadow

sometime occupied by William Kinloch,[1] lying on the north side of the common sepulture, was set for auchteen pounds." The Tentour or Tenter Hill, which formed the north-west boundary of these meadows, was a grassy acclivity rising up to the field then called "the briery yairds," afterwards the Chapelshade gardens, and which is now the upper burying ground. The knoll had probably received its name in the early days of the Reformation, in consequence of popular ministers preaching there from a covered open air pulpit called a tent, at times when the congregation would be larger than the parish church could hold. Such tent-preachings afterwards became very common, especially about communion occasions, and were continued in some country places until a quite recent period. Monorgan's croft, subsequently called the Hospital ward, the western boundary, formed a fine stretch of suburban pleasure ground, the great feature of which was the Walk, a noble double avenue of old elms and beeches which led northward from the Burial Wynd, and west past that portion of the Friars' lands which obtained the name of Culloden,[2] then, by the front of the Tenter Hill, on to where the valley narrowed at the playfield. Dundee, as it grows in population and in wealth, will doubtless also gather grace and beauty, but it can never more have within its bounds such stately trees as once shaded with rich foliage the pleasant turf walk of the old ward The meadows lying about and under St. Francis' well were the demesnes of the Gray Friars' Monastery, which stood below upon the level haugh which is now the Howff. The sunny slope where the monks had pastured their cows, or trimmed their orchard trees, or planted their kale and other herbs, and where they had peacefully idled out their studious or lazy lives, was at this time rented in separate fields. It afterwards was appropriated for the bleaching meadow, but it is now covered over with public buildings and bustling streets.

[1] William Kinloch, who, in 1581, occupied this meadow and possessed a house lying on the north side of the windmill, had been the father of Dr. David Kinloch.

[2] Between the Hospital ward and Constitution road there used to be two houses, on the front of one of which was a date of about the middle of last century. They were popularly known by the name of Culloden, having been built, tradition affirmed, from the proceeds of the spoil of an English officer slain upon that fatal field. On the ordinance map, Culloden is inaccurately marked at the upper end of the Chapelshade gardens, beside the old bowling green.

THE PLAYFIELD—ITS REVELS AND MIRACLE PLAYS.

1626. JAN. 24. "All and haill the common waste bounds lying without Argylesgait Port," described at this time and subsequently, "as boundit be the common lands and the passage going northward from the Port towards the east side of the playfield at the east, the merch stanes dividing the playfield at the north, the Gray Sister Acre at the west, and the common hieway passing from the Port to Logie at the south, with the green braes lying about the playfield," were leased for "the pennie mail and duty underwritten to Thomas Fleming, maltman, his heirs and subtenants of no hier degree nor himself, at Whitsunday next to come, and from thynefurth to endure and to be peaceably brooked, joised, and occupied be him freely, quietly, and in peace, but obstacle or impediment, for five years; he paying therefor fifty merks yearly."

The ground thus described was a stripe of no great width which stretched along the north side of what is now the West Port, from the old town gate at Long Wynd to the Scouringburn—Gray Sister Acre, the western limit, being at the junction of the latter road and the Hawkhill. The position of the playfield is here identified as lying north of this open space between it and the burn, and occupying the haugh which extended west to the brae over which Guthrie Street rises, and to the higher swell of the Witches' Knowe at the West Port. But the ground which the Council then leased was really a portion of the playfield which had shortly before been divided off. In the rental roll of 1581, both of the divisions are included in the description of "the common playfield, with the bounds thereof limitat as follows—to wit, the dyke of the barn daill[1] and the Gray Sisters' dykes at the west, the common burn or water gang at the north, the town wall on the east, and the common gaits on the south pairts."

It was usual for old burghs to possess playfields whereon the inhabitants had freedom for indulging in those manly sports, which helped to develope youthful vigour and to stimulate martial ardour,

[1] Field.

such as archery, the practice of which was particularly encouraged, and even enforced. In 1457, Parliament ordained "butts to be made at ilk parish kirk, and shooting to be usit ilk Sunday, and ilk man to shoot six shots at the least;"[1] and in Dundee, "the butts and bounds thereof" for this exercise were in "the back meadow callit the common meadow," which probably adjoined the playfield on the north. Another purpose to which these fields were then appropriated, was for the rude pastimes and pantomimic diversions generally held upon the holidays and patronised by the Church, in especial for the performance of the wonderfully popular mystery or miracle plays founded on scriptural incidents, which, indeed, gave them the designation of playfields. Their situation was usually against a rising ground, upon which the exhibition took place. "In Edinburgh the playfield was at Greenside, probably under the declivity of the Calton Hill, in Aberdeen at Windmill Hill, at Cupar at the Castle Hill,"[2] and in Dundee the stage for the shows would be set up on "the green braes lying about the playfield." The Witches' Knowe was "a marvellous convenient place," and very well adapted for a spectacle, it having been selected, tradition says, on that account, for the sacrifice of certain witches—the company, no doubt, that Regent Murray "causit burn." Whether it had been that these evil old women continued to haunt the knoll to which they gave the ominous name, or because of other lawless spirits frequenting it, the place certainly acquired and held a doubtful reputation, until houses were built about it. A few years ago several skeletons of stalwart men were found lying under the side of the brae, not decently buried, but tumbled down anyhow, one of them having a great hole in the skull, out of which the owner's life had gone in some dark night's work.

We know of some plays, written by a Dundee poet, which were performed upon the playfield of the burgh. James Wedderburn, elder brother to the compilers of "The Book of Gude and Godly Ballats," was "brought up in Sanct Leonard's College in his youth, in the time of John, Duke of Albany, and was reasonably weill instructed in philosophy and humanity. Thereafter he went to France, where he played the merchant. After his return, he was instructed in religion

[1] Act. Par., II. 48. [2] Irving's Hist. of Scottish Poetry, 452.

by James Hewat, a Black friar at Dundee," who "confirmed the doctrine which the other had received in his youth in St. Leonard's College under Mr. Gawin Logie." Wedderburn "had a good gift of poesie, and made diverse comedies and tragedies in the Scottish tongue, wherein he nipped the abuses and superstition of the time. He composed in form of tragedy the beheading of John the Baptist, which was acted at the West Port of Dundee"—no doubt upon the Witches' Knowe—"wherein he carped roughly the abuses and corruptions of the papists. He compiled the Historie of Dyonisius the Tyranne, in form of a comedy, which was acted in the playfield of the said burgh, wherein he likewise nipped the papists. He counterfeited also the conjuring of a ghaist, which was, indeed, practised by Friar Laing, confessor to the King," and the exposure "constrained [the Friar] for shame to remove him." For burlesquing these knavish tricks, and lampooning the corruptions of the Church, Wedderburn, in 1540, "was delated to the King, and letters of caption directed to take him. He departed secretly to France, and remained at Dieppe till he deceased." While he lived there, an unsuccessful attempt was made to induce the Bishop of Rouen to prosecute him for the satiric wit he had exhibited in Scotland. "When deing, he said to his son, 'We have been acting our part in the theatre; you are to succeed; see that you act your part faithfully.'"[1]

None of Wedderburn's plays have come down to us, and we do not know anything further regarding them, except that they were used, like other caustic satires of the time, for exposing gross abuses in the Church, and helping to sweep them away, and in consequence were proscribed as being dangerous. Even the usual revels of the playfield had by this time become offensive for a like reason. In 1555, Parliament ordained "that na manner of person be chosen Robert Hude nor Lytell John, Abbot of Unreason, Queen of May nor otherwise, and gif ony chooses sic ane personage, they sall tyne their freedom for five years; and gif ony wemen about simmer trees singing, mak perturbation in the passage through burghs for skafrie[2] of money, they sall be taken, handelit, and put upon cuckstules."[3] Such prohibitions would not, however, have suppressed these diversions, if

[1] Calderwood's Hist., I. 141. [2] Improper exaction. [3] Act. Par., II. 500.

the people had not begun to take their pleasures more sadly, and if the spirit of the time had not declared against guising and morice dancing. These by and by came to an end, and there seemed to be no present use for the playfields, which then were appropriated to other purposes.

After the expiry of Fleming's lease of the ground on the road side, the Council sold a portion of it—including another part of the playfield—to Sir William Graham of Claverhouse, a man of influence and sound judgment, to whose good offices they had at different times been beholden. He gave them a loan of one thousand pounds, which was only repaid after it had become "an auld debt," he acted as arbiter in a dispute which the burgh had with Durham of Pitkerro, he was conjoined with the Bailies, under an Act of Parliament, in fixing the price at which the cordiners should make boots and shoes, and during his life he maintained a friendly intercourse with the burgesses, which his famous grandson, Lord Dundee, certainly did not affect to do.

1632. Sept. 25. The remaining portion of the stripe of ground continuing unlet, the Council, "taking to serious consideration that the extraordinary chairges whilk they yearly are constrained to undergo far exceed" the rent of the common good; "and finding that these waste bounds, being set in feu, would in some measure augment the same hereafter; and they having caused for that effect three several court days lawfully roup the piece of ground, (the glass being set up and fully outrun,[1]) the bode of Mr. Archibald Auchenleck, their neighbour and comburgess, was found most profitable for their common good—viz., ane hundred and aucht pounds to be payed as grassum, and sixteen pounds four shillings as feu duty yearly." So they "set to him in feu ferm, fee, and heritage for ever," the ground before described, but limited at the west "by the arable land now of Sir William Graham of Claverhouse, as the merch stanes presently imput on all the four quarters thereof clearly do show;" and gave commission "to ane of the Bailies to pass to the ground, and there, be tradition of earth and stane, as use is, to give state sasine, with actual and corporal possession thereof."

[1] A sandglass was used for measuring the time of waiting for bids.

QUESTIONS OF NEIGHBOURHOOD.

1624. Oct. 4. The discreet adjustment of the various disputes which arose regarding adjoining proprietary rights and privileges, sometimes called for the exercise of much municipal wisdom. "Thomas Wichard occupied ane heich buith in a fore-land lying upon the north side of the Mercat Gait." An outside or fore stair gave access to his door, and also to one adjoining, which led to "the heich ludging" on the floor above "pertening to Jonet Hoig, widow of umquhile John Fordyce, surgian." The widow and Thomas had not been on friendly terms, and she devised a method of doing him offence at the stair head, and aggravated him until he made complaint to the Council "of the great harm he has susteaned be the malicious casting up daily of the door of the entry to the trein trap"[1] leading to her house; which door, opening outward, was left standing up against the front of his booth. So the matter having been duly considered, "they with ane consent decerned and ordained Jonet and her successors, perpetually hereafter, to hold upon and within the door at the foot of the trein trap ane sufficient cord or tow with ane pais[2] of lead or stane at the end thereof, for holding of the said door as use wes of before, whereby the light of Thomas Wichard's buith shall be no way obscured or diminished; and this under the pain of forty shillings Scots, as she shall be found to contravene."

1630. Jan. 6. Mathew Thomson, hammerman, was owner of an old and dilapidated tenement of land lying upon the north side of Argylesgait, which he, "against the duty of all good neighbourhead, had suffered to become altogidder so ruinous, that lately, on the fourth of this instant, there fell down a great pairt of the eastmost side wall, over and upon the westmost side wall of Mr. Alexander Wedderburn his tenement adjacent, whereby, were not the providence of Almighty God, the whole people being therein had been smuthered dead." Alexander having directed the attention of the Council to the matter, and desired "that Mathew should be commanded aither to repair his house, or else presently to

[1] Wooden stair. [2] Weight.

tak down the side wall thereof," so that danger might be averted hereafter, "according to justice," they "convened upon the ground of the ruinous tenement; and having heard the reasons of both pairties, and therewith being weill advised, they fand, be their own knowledge and be the depositions of diverse famous witnesses, that the wall of Mathew his land had not only lately fallen down" upon his neighbour's house, "but also is likely altogidder to fall and ding down the whole tenement. They therefore ordained him presently aither to demolish and tak down his side wall, or else re-edify and big the same up in sufficient stane and lime, whereby Mr. Alexander his tenement and tenants may be harmless and skaithless heirefter. Forder, they decerned him immediately after the demolishing of his wall, upon his own proper chairges, to cause void bye and red the close of the red[1] of the wall, whereby his neighbours may be free of any harm."

1642. JAN. 18. Alexander Bowar of Bomerichtie, was "infeft and seasit in all and haill an inner tenement of land, up and down, heich and laich, lying upon the north side of Argylesgait," of which Sara Fithie, relict of umquhile James Kendow, had possession in life-rent. The house "having become decayed in the roof and walls, had [partly] fallen to the ground, and dittit,[2] condemned,[3] and stayed[4] the neighbours' passage on ilk side thereof, quhairthrow they might not repair safely and peaceably to and fra their proper lands, according to use and wont, but danger, trouble, and molestation. Upon many several complaints, given be those next adjacent, of the grite indemnitie[5] they had already sustained thereby," the Council took "the samin to their serious consideration, and demandit of Sara gif she would of new again repair and rebuild the tenement, and put it in as good estate as at the time of her umquhile husband's decease; quhilk she refusit to do." So they then ordained her "aither to quit her life-rent in favour of Alexander Bowar, or otherways presently to remove all the red from quhair it lyeth, and mak clair the passages, under the pain of five pounds every twenty-four hours."

But she neither repaired the house, nor renounced her life-rent,

[1] "Cause clear away from and disencumber the close of the rubbish."
[2] Closed.
[3] Obstructed.
[4] Hindered.
[5] Amount of damage.

nor removed the rubbish, nor paid the penalty, but for seven years continued to maintain a state of masterly inactivity, and suffered the ruin to become more complete, until at last the unfortunate owner, seeing his house crumbling away piecemeal, made an effort to save what was left of it, and "supplicated the Council for remeid" against

1649. JULY 25. Sara. So they "being convened in ane frequent[1] manner, according to their accustomat form, and Sara Fithie having been personally warned and oft times callit upon and not compeiring, they, in respect of her contumacy and of her refusal to re-edify up again the tenement, decernit and ordanit Alexander Bowar, the heritor, to rebuild, big, repair, and beet the same in the [walls and] roof, with locks, doors, windows, iron and timber work, and all other necessaries; to output and input tenants thereintil, and receive and uptak mails, and that until Sara refund to him the haill chairges that he hes debursit or sall deburse thereupon, conform to his faithful accompt."

1646. MAR 20. Thomas Wichtan, notary, and William Guthrie, were proprietors of two tenements of land and yards "both contigue together upon the north side of the Mercat Gait. Between their burghal lands was a mid dyke that passed north to the common meadows," and a dispute having arisen as to who was owner of it, William Guthrie assumed masterful possession, "and lately demolished pairt of the said old laich dyke." A complaint regarding this having been made, "the Council convened upon the ground for sighting of the neighbourhead, and they found that the dyke stands out fra Thomas Wichtan his gallerie of the north-most dwelling within the cunzie, and doeth properly belong to him, as ane pairt of his tenement, until it comes north to the old dyke on the brae foranent the head of his laich yaird, and that all the rest of the haill north dyke doeth properly belong equally the ane half to William and the other half to Thomas, and they therefore ordain William to presently re-edify and big up the dyke and put it in the old integrity."

The brae here referred to, was a rocky ridge which at that time stretched along the north side of the Market Gait, but which is now all levelled down excepting a portion at New Inn Entry. The cunzie house, or mint, had for some time been dismantled, and was then partly occupied as dwelling-houses.

[1] Numerous.

Thomas Wichtan, who was found to have right to the wall, shortly after this, upon the removal of Sir Alexander Wedderburn, was appointed to the office of town clerk. He appears to have owned a number of houses, and we find that he acquired a good site whereon to build one of them at a very reasonable price. The Council finding that some of their vacant ground, "quhilk was unprofitable of before, being set in feu, will augment their common rent hereafter," resolved to sell "all and haill that piece waste bounds perteining to the burgh lying on the west-north end of the flesh skambles, [extending] lineally west the calsay as the side wall of the skambles directs at the north, and so far as the stane wark of umquhile George Wightane's house directs at the west, and boundit by that house and the laich buith at the south, and the flesh skambles at the east, as the meiths thereof are presently limitat and set down." This open space, here designated waste bounds, was really an unappropriated nook of the Market Gait which, at a subsequent time, was partly covered by the north-west corner of the Trades' Hall. "The Council having three several court days causit lawfully roup the piece ground, the bode of Thomas Wichtan, clerk of the burgh," was found to be most advantageous "for the common good—viz., fifty pounds Scots money in name of grassom, and ten shillings in name of feu duty yearly," in lieu of "all manner of duty and due service that may be justly requyrit in any time hereafter." For these payments, the value of which would now purchase perhaps a square yard of ground at that place, Thomas bought "the piece of waste bounds," and was duly put into possession thereof. 1649. Jan. 23.

He immediately proceeded to build a house upon it "contigue and adjacent to the north gavel of the buith and dwelling-house," but was interrupted by the owners of that house, who claimed that a window in it should not be injured by him, and refused to allow joists to be inserted into their gable. So the matter was referred to the Council, and they "convened in ane frequent manner upon the ground" to decide "concerning such easements as Thomas may have for completing of the house; and, having callit to them" a wright, two slaters, and a mason, "burgesses of the burgh, they, efter lang deliberation thereanent, passed therefra to the Council-house," and the practical men, having been "all solemnly sworn be their great aiths to declare the verity

anent the premises, deponit upon their conscience that the little north window upon the head of the round[1] of umquhile George Wightane his dwelling-house, is ane gavel window quhilk Thomas micht close up with his new building according to the custom of the burgh, but" that he ought "not to mak holls for putting of geasts in the gavel wall, but withal put bolts of iron therein and raggle thereon." So the Council ordained that he should proceed with his new building on these conditions.

THE RENUNCIATION OF EMOLUMENTS.

1632. Sept. 25. Provost Thomas Auchenleck, at the end of his first year of office, informed the Council that he had been taking "good consideration of the great chairges that the burgh is subject to yearly in their common affairs, whilk far exceed the common rents," and for that reason he now, "of his own free motive, renounced, dischairged, and overgave to the burgh, his yearly fee of ane hundred and ten pounds with all other casualties belonging to his office, whilk hes been in use to be payed and due to his predecessors, Provosts of the burgh, at any time bygane, and is presently due and ought to be payed to him this instant year of God 1632." He, however, reserved to himself "the liberty to present and cause admit any ane man he pleased as free burgess and brother of Guild without payment of any soum of money or accident therefor." This renunciation met with the approval of the Council, who then proceeded to make what they seem to have reckoned a self-denying ordinance, "and all of ane mind and consent—following the good example of their Provost—statute and ordained that no Provost to be elected be them nor their successors at any time coming, shall have no liberty nor power to demand or exact no fee nor dues whatsoever for the office," (the negatives are rather redundant, but the meaning is plain enough,) "except only to cause admit any ane burgess. And for con-

[1] Turret stair.

firmation of this act to stand as a law inviolable to them and their successors in all time coming," they all subscribed it with due formality.

Following the good example of Provost Auchenleck, the ministers shortly afterwards proposed to renounce a part of their stipends for behoof of the poor. The winter of 1634-5, had been of extraordinary severity. Snow lay upon the ground for three months, and the cold became so intense that the Tay at Perth was for thirty days frozen over. Amongst common people there was a heavy mortality and great distress. The harvest had been indifferent, the ice prevented water-wheels from running to grind corn, and the scarcity became such that oatmeal rose to be ten pounds the boll. Several of the clergy claimed twelve pounds for the fiar price, which caused much scandal.[1] In Dundee there had been great suffering, and the ministers, whose stipends were partly paid out of the Hospital endowments for support of the poor, joined in an arrangement for giving up that portion to its proper use, and thereby helping the necessitous in their time of distress.

1635. FEB. 24 At a meeting of the Council, there being also present "ane Reverend father in God, Thomas, now Bishop of Brechin,[2] and Mr. Colin Campbell and Mr. John Duncanson, ministers of God's word in the burgh, consideration having been taken to heart of the meaning of the former acts made be their predecessors," whereby "ane pairt of the stipends and fees is paid forth of the first and readiest of the common rents due to the poor resident within the Hospital—viz., to the Bishop, ane hundred pounds, to Mr. Colin Campbell, ane hundred and thretty-three pounds six shillings eight pennies, to Mr. John Duncanson, three score seventeen pounds six shillings eight pennies, to Mr. James Gleg, master of the Grammar School, three score six pounds thretteen shillings four pennies, to Robert Stibbles, reader at the pulpit of the kirk, eight pounds, and to John Ramsay, keeper of the clock, twelve pounds; and the Council, with the said Bishop of Brechin and the remanent ministers, most zealously thinking that these acts have been made very prejudicial to the poor of the Hospital, and tend to the evil example of inverting of all pious donations and mortifications to other uses nor

[1] Chambers' Dom. Ann., II. 83.

[2] Thomas Sydserff, previously Dean of Edinburgh. His son issued, in 1660, "The Mercurius Caledonius," the first newspaper printed in Scotland which furnished intelligence on the public affairs.

they were intended to, contrair to all law, equity, and conscience; therefore, all of common consent with heart and mind, agree to the rescinding and annulling of the aforesaid acts, likeas they be the tenor hereof *per verba de presenti* rescind and annul them, and will and declare that the whole rents and emoluments shall be employed and converted only to the use of the Hospital in all time hereafter, conform to the foundation of the same, and that the master be free and liberat of the foresaid acts and of any payment be virtue thereof. And this their act they ordain to stand inviolable, and in sign thereof have subscribed thir presents with their hands as follows—"

But alas! no names follow, only this note:—"This act was never condescended to be the ministers, and therefore was left unperfectit." The worthy men had failed in carrying out their good intentions toward the Hospital; the schoolmaster and the clock keeper were ready, but the Bishop and the others could not raise their courage to sign the deed and make the sacrifice. They had probably been expecting that the poor would be otherwise warmed and filled, as the snow had ceased to fall a week before this time, "and after an appointit fast, there came a gentle thow."[1]

ASSESSING TAXATION.

When taxation was imposed, either by the Estates of Parliament for a national purpose or by the Town Council for the occasions of the burgh, it was set or apportioned upon the inhabitants by ten stenters, eight of whom were nominated by the Council, and two by the collector and deacons of crafts in terms of "the privilege quhilk they have; and ilk ane of them made faith severally that he shall discharge the duties faithfully in stenting the neighbours according to his knowledge and conscience." In 1622, when Thomas Gray, baxter, "ane of the taxters nominat be the crafts, was requirit gif he wald accept office, and mak faith to discharge the same, he plainly refused for thir reasons:—Firstly

[1] Chron. of Perth.

that he wes stenter for the last taxation, and that he suld nocht be burdenit twice together with the same; secondly, because he wes declared be the Lords of Privy Council incapable of all office within the burgh, and therefore could nocht be lawfully nominat;" and he "offered to produce the Act made thereanent." His objections were held to be sufficient, and the crafts were instructed "to convene and elect ane other qualifeit person, and present him willing to accept office within twenty-four hours, with certification that if they fail, the taxation will be set be the other nine stenters."

During the summer of 1633, King Charles came to Scotland, for the first time after his accession to the throne, in order to receive his ancestral crown. The people of Edinburgh welcomed him most loyally, and gave him a liberal gift of money in a golden bason. In honour of his presence, there were grand masques and antique pageants, and so noble a Riding of the Estates from Holyrood to the opening of Parliament, that the show was held to have exceeded in splendour any which the old Canongate had witnessed. But the magnificent spectacle of his coronation within the Abbey Church caused a revulsion of the popular feeling; for, by the arrangement of Archbishop Laud, who came to direct the ceremonial, an altar was placed in the chancel of the Church, and the arms of the Bishops were for the first time put into lawn sleeves, and the King was invested in the royal insignia with very high ecclesiastical rites, at all which the puritan spirit of the nation was greatly scandalised. Some months after the great occasion, the Dundee Council resolved "that there shall be ane stent of three thousand pounds set down upon the burgesses and inhabitants, and lifted with all expedition, for payment of their pairt of the great taxation, and other necessar debts adebted be them anent his Majesty's incoming and outgoing of the realm for acceptation of the imperial crown thereof, and certain other their common affairs." For setting this taxation, ten burgesses were nominated, "who, being sent for, accepted office, and gave their respective aiths for faithful administration;" after which "the Council, according to their laudable custom, taxed them," (so that each would serve as a model for the equitable stenting of others,) "in manner following—viz., William Ferguson, merchant, five pounds six shillings eight pennies; William Wright,

1633. Oct. 12.

elder, merchant, forty merks; James Ramsay, maltman, seven pounds; William Thome, maltman, nine pounds; Magnus Craig, merchant, sixteen pounds; James Blak, merchant, twenty shillings; John Guthrie, merchant, forty merks; James Hodge, skinner, twelve merks; Alexander Watson, merchant, twenty pounds; and Robert Broune, cordiner, twenty-four shillings." These are substantial sums, and amount to a twenty-fifth part of the whole assessment. At the imposition of a taxation five years later, after the commencement of civil troubles, the system was changed from an assessment upon means to a charge upon property; and the stenters were instructed "to stent the inhabitants who hes rent within the burgh for ten of ilk hundred of free rent."

WILLIAM HUNTER OF BALGAY AND THE COUNCIL.

1637. JULY 29. A dispute having arisen between the Council and William Hunter of Balgay, (the occasion of it is not mentioned, but it was likely about his right of salmon fishing, which they had called in question, and probably had interrupted,) he, to their astonishment, "raised and put into execution a chairge of lawborrows against them and ane grite number of the neighbours of the burgh." Their surprise gave place to indignation, when they "were informed that Mr. John Denmuir, notar, had given counsel for that effect to Maister William—at the least Maister William had consulted with him thereanent." So they directed "their ordinary officer to chairge Mr. John to compeir to hear and see the premises verified and proven against himself, and to hear and see himself censured. For that effect he compeired personally, and being interrogat be Provost Davidsoun whidder or not he was accessory to the raising of the letters, he could not purge himself be his aith on being required for that effect; therefore the Council, taking to consideration Mr. John his unloyal dealing in not acquenting them timeously with the premises, he being their Procurator Fiscal in all common causes, and pensioner for that effect," immediately "dischairged

him of his office and of any pension or gratuity, and declared the same to be now vacant in their hands and at their donation."

As Denmuir is known to have been previously guilty of dishonourable conduct, there probably were other reasons for his prompt dismissal. He was a shrewd and active lawyer, much in the confidence of some of the great landed proprietors, of which he had, at least on one occasion, shown himself unworthy. In the year 1634, Lord Balmerino and some other leading men drew up the draft of a petition to the King remonstrating against the high-handed manner in which the interests of the Church were being made to overbear all others. This, Balmerino desired to have softened in its terms, and, at the old Abbey in Fife where he then lived, "he showed it to Dunmoor, a lawyer in whom he trusted, and desired his opinion of it, and suffered him to carry it home [to Dundee] with him, but charged him to show it to no person, and to take no copy of it. He showed it under promise of secrecy to one Hay of Nauchton, and told him from whence he had it. Hay, looking on the paper and seeing it a matter of some consequence, carried it to the Archbishop of St. Andrews, who was alarmed at it, and went immediately to London, beginning his journey on a Sunday, which was a very odious thing in that country," and took the document to the King. The result of Denmuir's breach of trust was the trial and conviction of Lord Balmerino for high treason, and although, by his Majesty's clemency, the sentence against him was not carried into effect, he yet "felt himself so much wronged in the prosecution, and so little regarded in the pardon, that he never looked on himself as under any obligation on that account."[1]

1637. Aug. 29. The matter in dispute between the town and the Laird of Balgay was referred to the decision of "Walter, Bishop of Brechin,[2] and Andro, Lord Gray, who pronounced a decreet arbitral" favourable to the burgh, which Lord Gray sent to the Council, and requested them "to cause ane procurator and ane notar go to Balgay and desire him to come [to the town] and fulfil the points thereof." On this being done, Maister William did not respond in a becoming spirit, but lost his temper, and showed the messengers "a most contemptuous carriage"

[1] Burnet's Own Time, 12.

[2] Walter Wheitfurde. He was the bold Bishop who went into his pulpit armed with pistols when he read the new liturgy.

—probably ordering them down his avenue with little ceremony. This conduct much incensed the Council, and "they, all in ane voice, resentit the samin to be ane injury done to the whole body of the town; and therefore ordained execution of the decreet to be prosecute to the final end upon the common chairges."[1]

THE TOWN CLOCKS.

The sons of Patrick Ramsay appear to have inherited a practical knowledge of the mysteries of clock-work. John, like him a hammerman, was trained from his youth to help at the mending of the famous steeple clock, and followed him as its keeper. Silvester chose another field of labour—he cultivated literature, and was appointed to the place of Doctor in the Grammar School—an honourable position, but with very moderate emoluments. In 1609, another clock having been obtained, the unlaws were ordered "to be uptaken preceislie, and applied to the edifying of ane steeple of timber upon the middis of the thak of the tolbuith, and placing the new knok therein." We do not know who had charge of this clock at first, but, subsequently, Silvester Ramsay attached himself instinctively to it, and by the attention which he bestowed upon its movements, rendered the burgh much "true and faithful service;" and the Council, "finding him to be experimented and qualified therefor, with ane consent concludit, determinat, nominat, and electit him during all the days of his lifetime to be keeper of the said clock, for the whilk they ordained the treasurer to pay him yearly the sum of four score merks."

1637. Aug. 8.

Of Silvester there is no further notice, but his brother became old in the public service, and, in 1646, "the Council, considering the weakness and inability of John Ramsay, clock-keeper, and his demission of

[1] In 1661, John Hunter, the son of William, acquired the right of fishing from the town for an annual payment of four pounds; and he afterwards obtained from Parliament a ratification of his infeftment of the salmon and other fishings within the sea-flood and shore *ex adverso* of his lands of Balgay.—Act. Par., VII. 445.

that office, made choice of Andro Taileour, hammerman, to be keeper of both the clocks, and ordained him the accustomed fees and duty." Under Andrew's charge, however, the old machine soon became disordered, and "the Council having heard the report of those who were desired to visit the clock in the steeple, how faulty she is, ordained James Alisone to tak her down and help all defects in her, and at the perfyting of the work they promised to satisfie as they should his pains." But this pottering was of no avail; James was no more able than Andrew to mend the clock effectively, and a professional craftsman had to be called in to make matters right. "Bailie Bultie and the Dean of Guild were appointit to deal efter noon with George Smythe, knock maker, and to sattle with him; and likeways with William Crystie, plewterer in Edinburgh, for his repairing her two dials."

GRANT OF SHERIFFSHIP TO THE MAGISTRATES.

We have seen that the action of burgesses in pursuing others before alien courts was reckoned a flagrant offence against paternal government, and was held to merit severe censure. "David Smairt, burgess, raised an action against a neighbour, and pursued him before the Sheriff of Forfar," notwithstanding the law of the burgh; but, having been made to understand that such conduct was a dangerous preparative, and most reprehensible, he then expressed contrition, "and declared that he passed fra any action already raised before the Sheriff," and became bound "in all time coming, under the pain of deprivation of his libertie and twenty pounds of penalty, that he would never pursue any inhabitant before any inferior judge of this kingdom." 1637. Nov. 28.

A supplication was presented to the Council by three "merchants and certain others their copartners, ventiners[1] and utterers of tobacco, against the tacksmen," who, "under Sir James Leslie, knight, and Thomas Dalmahoy," grant licences for "the sale of tobacco within the liberties 1638. Jan. 9.

[1] Venders.

of the water of Tay, for having pursued the supplicants before the Sheriff of Forfar for selling tobacco" without licence—"whilk is against all equity to pursue them, or do the like to any neighbour else, except before the Provost and Bailies, their own ordinary judges." This, in effect, was a complaint made by smugglers that they had been wronged by the excisemen prosecuting them in any other court than that of their own kindly magistrates. The general feeling was in favour of the illegal traffic, and the tacksmen being notorious for their unjust exactions, were most unpopular. Having been charged to present themselves to the Council to answer for their conduct toward these burgesses, they compeared, "and declared that they would use none of the supplicants rigorously, nor none others else, and if any should have occasion to complain" of their fines, that these "shall be stented be the advice of the Council. And they likeways declared that [in future] they shall pursue the neighbours before the Bailies only."

The disputes regarding the jurisdiction of the Sheriff of Forfar, were set at rest by the Charter of Charles I., in which a grant was made to the Provost of the office of Principal Sheriff, and to the Bailies of Sheriffs Depute over all the bounds of the burgh of Dundee, with power to hold courts and to punish transgressors by death, or by whipping, or burning in the hand or cheek, and to constitute clerks, sergeants, and dempsters from among the burgesses only; and under which the inhabitants were exempted from all compearance in any court held by the Sheriff of the Sheriffdom of Forfar, who was thereby prohibited from calling them, and from all imposition of fines on them for non-compearance.

1642. FEB. 17. At the first meeting of the Council held after the Charter was sealed, Alexander Wedderburn, the clerk, reported with much gratification that the burgesses had now obtained "ane Charter under the great seal confirming all the town's ancient privileges, with ane gift *de novodamus* of ane power to be Sheriffs within themselves;" and no time was lost in putting this into practical effect. "Bailie Blyth, and David Yeaman, notar, were appointed to go to Forfar, and there in the Sheriff Court upon Friday next, to mak intimation of the gift of Sheriffship granted be his Majesty to this burgh, and to tak instruments upon the production thereof." The Sheriff clerk of the shire

appears to have thought that this was an opportune occasion for soliciting an appointment under the new judicatory, but his application was received coldly, and "the Council thocht fit to continue the giving of answer to his letter till" a subsequent time.

A SEARCH FOR A MINISTER.

1638. JUNE 19. "The Council having been solemnly convened, and taking to mind the late decease of their godly pastor, Mr. Colin Campbell, and being bound of conscience to have his room filled with ane other sufficient qualified preacher, and having certain information of the literature, good life, and conversation of Mr. Robert Douglas, preacher of God's word at Kirkcaldy, they all of one mind elected him to be ane of the ordinary ministers for serving the cure at the Kirk all the days of his lifetime."

Robert Douglas for long held a distinguished place in the Church of Scotland. Burnet says "that he was believed to be descended from the royal family, though the wrong way," (an allusion to a baseless scandal current against poor Queen Mary while she was at Lochleven,) "for there appeared an air of greatness in him that made all that saw him inclined enough to believe he was of no ordinary descent."[1] He did not accept the presentation offered him by the Council, but continued at Kirkcaldy until he was translated to Edinburgh. As Moderator of the General Assembly in 1651, he preached the sermon at the coronation of Charles II. at Scone, and gave that thoughtless monarch some honest words of counsel which it had been well for him to have kept in mind. At the Restoration, he was much consulted by General Monk as to the proposed constitution of the Church; and, when the episcopal hierarchy was being again established, James Sharp pressed him to become the Archbishop, but he refused with contempt, and Sharp himself had the preferment and its consequences.

The Council having failed in securing Robert Douglas, they laid

[1] History of His Own Time, 20.

a supplication before the General Assembly, desiring "the transportation of Mr. David Lindsay, parson of Belhelvie," to Dundee, and they afterwards appointed two of their number "to go with all convenient diligence to Belhelvie, and agree with the minister upon such conditions as they can, and so deal thereanent upon their credit as they will be answerable to God and a good conscience, and what soums of money or other particulars they shall promise him in name of the town," the Council agreed "to perform in all pairts;" although Provost Fletcher, before subscribing this broad "commission, protestit that he only did so upon condition that such should noways prejudge the common good of the burgh."

David Lindsay, who also held a high place in the Church and its councils, was, however, proof against all the allurements which the
1639. Oct. 22. deputation offered to him, and, after some further delay, "the Council made choice of Mr. John Robertson, [Auchterhouse,] to be ane of their ordinary ministers, and appointit to be payit to him as ane agreeit stipend the soum of ane thousand and two hundred merks, togidder with his house mail; and for relief of the two hundred merks thereof, they instructed the master of the Hospital, conform to custom, to pay in the samin soum."

1649. Oct. 9. The appointment of John Robertson turned out to be a very satisfactory one, and after experience of "his faithfulness in the ministry during the space of ten years, to the great comfort of the haill inhabitants, the Council, all in ane voice, thought fit to bestow a special mark of favour upon him in respect of his particular deservings, and for his encouragement to continue his former care;" and they agreed "that he shall have yearly ane gratuity of three hundred merks." But this being "only a personal favour, was not to be ane ground to any who shall succeed him to claim the same as ane pairt of their stipends;" and they, being "unwilling that the gratuity should infer any burden upon their ancient patrimony," ordained that it "shall be payed to him furth of the first and the readiest of the teinds of the parochine of Longforgan, quhilk, be his Majesty of good memorie, was mortified to the burgh; and for the more sure payment, they ordained that John Read of the Knap pay to Mr. John ane hundred merks thereof," and that the owners "of the lands of Huntlie and Mylnehill pay him the

other two hundred, and for these payments that his dischairge shall be of as great force as if it had been subscryved be the Provost and Bailies." As we shall see, the grant which Charles I. made of those teinds had not hitherto been of much value to the burgh, but John Robertson appears to have been able to recover some payments of his yearly gratuity from that source.

ANDREW COLLACE, MINISTER.

During the time that David Lindesay occupied the See of Brechin, he continued to hold the first charge in the burgh also, and for some time maintained Patrick Panter as his substitute, although he himself probably preached occasionally. After his translation to Edinburgh, he demitted the charge, and the Council, in 1635, appointed Andrew Collace, minister of Ecclesgreig, to it. Andrew did not, however, continue long in the benefice. A *fama* having arisen against some of the Presbytery—probably on account of their adherence to the order of Bishops and the new ritual—the General Assembly of 1638 nominated a Commission to visit the town and make an investigation into the matter; and the Council, "all of ane consent, condescendit and caused be summoned, Mr. Andro Collace, parson, Mr. John Duncanson, minister, and Mr. John Mow, [reader,] to compeir before the Commissioners appointit be the Assembly to sit at Dundee the fifth of February." The result of the inquiry was that the two latter were exonerated, but, other charges having been laid and substantiated against Andrew Collace, "he was deposed for drunkenness, sacrilege, declining the last General Assembly, and contemning their decisions."[1]

1639. JAN. 25.

[1] Fasti Ecclesiæ, III. 689.

A LONG IMPRISONMENT.

In the year 1636, David Sword, merchant burgess, and Agnes Paterson, "his spouse, were denuncit, at the instance of George Hay and his spouse, for not having found caution to compeir in the hour of cause and underlie the law before his Majesty's Justice General for certain allegit crimes," (which are not, however, specified,) "and they were apprehendit by Bailie Ramsay, in obedience to ane chairge given to him, and incarcerated in firm ward within the iron house of the burgh." They remained there for three years "in miserable estate, having nothing of their own quhairwith to sustean themselves, but being enterteaned be the neighbours and inhabitants," to whom "they were very chairgable;" and during that period "the pairtie pursuer and chairger, at whose instance they were wardit, naither be himself nor no others in his name, did insist in the process depending before the Justice." Scotland, at that time, had no Habeas Corpus Act to prevent wrongous imprisonment, it not having been until the following century that a security for personal liberty was provided, by the enactment of a law enabling prisoners to "run their letters" and enforce a gaol delivery. The poor wife "was brought to grite misery and penury be her long remaining in ward, throw the quhilk she wes deliverit of child birth;" and the Council were then moved to such pity for her that they resolved to set the Justice General at defiance, "and ordained that Agnes Paterson be put to liberty; and obliged them to warrant and keep skaithless" the Bailie who had been "chairgit to tak and apprehend her, and who put her into ward." Besides the crimes with which David and his wife were charged, he was under restraint for a certain debt, and they resolved that he likewise should "be put to liberty, on the consent of the creditors, at whas instance he wes wardit, being produced thereto," and on him becoming bound "to re-enter ward within twenty-four hours after he sall be required."

1639. Ap. 10.

May 6. So they "convened before them two maltmen, burgesses of the burgh, who, they were informed, had right be assignation to the letters

of caption and the action specifeit thereintil, and the pitiful estate of David, who this long time bygone hes been incarcered, being exponit to them be the Provost," and David having declared "that he wes most willing to compeir and underlie the laws before the Justice General in respect of his innocencie of the crimes allegit on him," they likewise became merciful, "and for all their rights and interests consentit to his liberty; desiring only" that the Council "would ward him again when they were chairgit; and therefore the Council did put David Sword to liberty furth of ward also." And for the "safety and warrandice of Bailie Ramsay," they became bound "to keep him free, hermless, and skaithless of all sic damnage as he micht sustean," so that "he may incur no danger be their letting David furth of ward, into which he had placed him under the charge of caption."

THE NATIONAL COVENANT.

Under the guidance of the King's stubborn will, the episcopal element became so powerful within the Church, that the influence of laymen and the rule of presbyteries had almost ceased to be asserted, and were becoming absorbed into the new system of ecclesiastical government. Although the people did not take kindly to the novel formulas, which seemed to separate their sympathies from the Kirk which had come to them through the crucible of the Reformation, and was held so dear; and although several burghs protested, as far as they durst, against the ceremonious ritual which took the place of the old and simpler order, there was for some time no indication of violent reaction or of opposition stronger than protest; and had a moderate spirit prevailed, and the changes been effected with discretion, there would likely have been no National Covenant, and the Bishops might have continued their rule. But the most vital innovations were enforced with a high hand, in spite of popular clamour, without regard either to prejudice or to conscience. The dignitaries, whose mission should have been to guide with kindly and paternal sway, tried to

constrain congregations into the use of a liturgy which, to narrow and sensitive minds, at first seemed vainly formal, and afterwards, upon its violent obtrusion, became intolerable and abhorrent; and soon the peaceful serenity which for a long period had followed the overthrow of the old Church was disturbed by the ominous threatenings of a storm.

The burghs were alarmed lest the security of liberty and free conscience should be endangered, and they anxiously watched the progress of events. "Bailie Davidson, commissioner chosen be the Dundee Council to attend ane particular Convention of Burrows at Edinburgh, made his report of the proceedings thereof, and delivered their acts to the Provost. He likeways declared the proceedings in the Kirk business, and what had been done in that matter, and delivered the reasons set down be the burrows clearing of themselves of any combination. As likeways the copy of the proclamation of the King's abhorring of Popery, made at Linlithgow the seventh of October last; and the copy of the Act of Council at Dalkeith the twenty-first December." These are references to historical incidents connected with his Majesty's scheme of Church government, and with the opposition to it, which was rapidly becoming national, and almost rebellious. Several petitions had been presented to the King asking for the withdrawal of the service book, and these he answered with hard words "of just resentment at the foul indignity offered against his honour," but, "out of his goodness, he declared that he abhorred all the superstitions of Popery, and would allow nothing to be done but that which should tend to the advancement of religion in his ancient kingdom of Scotland." Similar supplications were sent by the nobles, the barons, the burgesses, and the clergy, who had banded themselves together in a strong phalanx, and when the Privy Council, at Dalkeith, admitted a deputation from the supplicants, they heard some strong language used. One man said, in reference to the instigations of Archbishop Laud, "The King is wronged after the manner that Ahasuerus was wronged by Haman, and we are looking to see what will happen." The Council endeavoured to restrain the surge of indignation and mop back its stream, but it was a flood which soon became overwhelming; and, with one great and unanimous protest, the people revolted against

1637. Dec. 28.

what seemed to be a grievous yoke, and bound themselves by the Covenant to resist encroachment upon their religious liberty. The King, under the influence of bigoted counsellors and blind prejudice, had not hitherto been able to comprehend the national character of the opposition to his scheme, but he now began to recognise that he had to confront a united resistance, and that the Covenant was a great fact. So he tried, by temporising and making prudent concessions, to weaken and disorganise the League—he hinted at the withdrawal of the obnoxious service book, and offered to call a free and unrestrained General Assembly. This latter was eagerly accepted as a means of uttering the national voice, for during many years the few meetings which had been held were only shadowy representations of the Church —lifeless and helpless convocations, without power either to legislate or to rule.

The Dundee Council had been forward in subscribing the National League, for, at the Michaelmas election in 1638, all those appointed were designated "faithful Covenanters." When they met for the purpose of electing a representative to this famous Assembly, they felt the gravity of the occasion, and performed the duty very solemnly. "Having diligently considered the manifold corruptions, innovations, and disorders disturbing our peace, and tending to the overthrow of our religion and the liberties of the Kirk of this kingdom, quhilk hes come to pass especially through the want of that necessary remedy of General Assemblies, enjoined by the Kirk for many years, and ratified by the Acts of Parliament; and now seeing that, by the mercy of God, our soverane Lord the King hes appointed a free General Assembly to be holden at the city of Glasgow, therefore we, be thir presents, nominate James Fletcher, Provost of our burgh, our lawful Commissioner, giving to him our full power and express chairge to repair there, with the rest who shall be authorised with lawful commission, to treat, reason, and conclude in all ecclesiastical matters that shall be proponed competent to a free Assembly and tending to the glory of God, advancement of the kingdom of Christ, and the good of religion as he will answer to God and His Kirk thereupon; and generally all and sundrie other things to do and exerce, and to report to us his diligence."

1638. Oct. 10.

James Fletcher, who held the place of Provost for six eventful years, 1637-1642, on different occasions represented the burgh in Parliament and otherwise, and discharged his duties with much firmness and dignity. In the previous July, when the King's representative—the Marquis of Hamilton—issued one of Charles' arrogant proclamations at the Edinburgh Market Cross, Fletcher was present on behalf of the burghs, and placed into the hands of the herald a solemn protest against the terms of the royal edict. Such a man was well fitted for taking part in that great meeting within the High Church of Glasgow, at which it was declared, in spite of the opposition of the King's Commissioner and of the Bishops, that the liturgy and the other forms which had been introduced were warranted by no authority, either human or divine, and that "episcopacy is abjured by this Kirk, and is to be removed out of it." He acted as one of the Moderator's assessors, and Alexander Wedderburn, who accompanied him—one of "the skilfulest of the burgh clerks—was an assessor to help them of the ministrie."[1] When they came home "and made their report anent the proceedings of the Assembly and the special acts and constitutions thereof, the whole Council were weill pleased, and promised faithfully, for their selves and all quhom they may command, to give obedience to them and every ane of them."

1638. Dec. 25.

Alexander Wedderburn, who then held the office of clerk, succeeded his uncle James, in 1633. The latter, through illness, had been for some years incapacitated from performing his ordinary duties, and during that time the records of the burgh were written in an incomplete and somewhat perfunctory manner by deputy. Alexander soon showed himself to be "one of the skilfulest of the burgh clerks," and acquired the confidence of the Council, who several times sent him to represent them in Parliament. He was a man of great energy and discretion, and these qualities, having been refined by education and culture, enabled him in perilous times to discharge onerous duties with tact and sound judgment, and secured for himself due and honourable recognition.

The proud spirit of the King could not submit to the indignity of having his Bishops summarily abolished, and he began to equip an

[1] Minutes of Assembly.

army to march northward and administer chastisement to the daring reformers. The Covenanters also took measures for raising a force to resist the threatened invasion, and there was a general call to arms. In Dundee, preparations were made for taking part in the contest which seemed to be approaching. There was an investigation regarding the quantities of gunpowder held by some of the burgesses, who were severally bound, "under the pain of ane hundred pounds, not to sell nor put away any but be the advice of the Council;" and Thomas Scot, the treasurer, was commissioned "to go to Edinburgh or Leith, and there to buy two hundred muskets," and also "ordinance and great pieces for the use and to the behoof of the burgh."

1639. Jan. 8.

This transaction in muskets proved to be a very troublesome matter to Thomas Scot. It would appear that, after they were procured, he distributed them to the burgers, in an irregular way, without obtaining either payment or receipt for them, and when he rendered his accounts to the Council, they instructed "the Bailies to require him to collect the money for the muskets which were sold to the town's use" from those who had received them, and "to offer their concurrence" to assist him in obtaining it. Apparently he found this to be irrecoverable, and, after some time, Provost Fletcher was instructed "to pay to him, out of the first end of the moneys he received of Mr. Johnston's legacy, three thousand merks, with the by-run annual-rent preceding Mertimes." A bond for the amount was accordingly written out in Scot's favour, but, before he received it, a question arose as to whether there had really been so many muskets as were charged, and some of the Councll "were nominat to convene Thomas before them to tak compt of the number of two hundred muskets for quhilk band was granted and now lies consigned in the hands of James Fletcher, late Provost." A lengthy investigation did not make the tale satisfactorily clear, and the result was that "Thomas was charged to enter his person in ward, there to remain during the Council's pleasure." How long he lay there does not appear, but after some years "he made a supplication for the moneys quhilk the town rests him be band," and the treasurer was instructed "to meet with him and to compt and reckon quhat annual-rents will be restand to him, and also to charge him quhat he will be restand to the town aither for excise, maintenance,

1642. Dec. 7.

1648. Nov. 14.

or any other cause, and to report to the Council at their next meeting." But no settlement was then effected, although he appears to have established his claim. At a later time, as we shall see, another attempt was made to balance the account for these muskets.

When the troops which Charles collected, and which he himself accompanied, arrived at the Scottish border, they found themselves confronted by an army encamped upon Dunse Law, equally powerful and more resolute. Already the Presbyterians had raised the famous banner inscribed "For Christ's Crown and Covenant," and were gathered round it as men who felt themselves called on to defend a near and dear interest; while the others showed no ardour, and had but little goodwill toward a crusade against their neighbours on behalf of Bishops and the service book. So the King judged it would be wiser to negotiate than to fight, and he got the leading Covenanters to come before him and discuss their grievances. He offered concessions, and, although he would not forego his pet scheme of a Church, he agreed to submit its constitution to the General Assembly and the Estates of Parliament, and promised to homologate their decision regarding it. Then the armies were disbanded, and it was afterwards said "that the Bishops were discharged in Scotland, neither by the canon law, nor by the civil law, but by Dunse Law."

1639. JUNE 28. At the important meetings of the different conventions which were then held, Provost Fletcher represented Dundee. Alexander Wedderburn was sent with him as assessor to the meeting of the Burghs, and the Council "testified and declared both of them to be men fearing God, of the true religion presently in public professed, without any suspicion in the contrair; and expert in the common affairs of the burgh, bearing all portable chairges[1] with their neighbours, and such as may tyne and win in all common causes." The JULY 15. Provost's commission to the General Assembly "indicted be his Majesty, out of his gracious favour, for repressing of disorders within this Kirk and Kingdom, to be held at Edinburgh," charged him as "special errand bearer for the Council, ministers, and elders," in their "names to voice[2] and conclude in all matters that shall be there proponed concerning the glory of God, establishing of religion, and weillfare of the

[1] Customs and taxations exigible within the ports. [2] Vote.

Kirk; they holding and for to hold quhatsoever he shall lawfully do but contradiction." This meeting confirmed the acts of the one held in Glasgow, and declared "that the episcopal government and the civil power of kirkmen shall be holden as unlawful in the Kirk." The proceedings ended by the royal Commissioner subscribing the National Covenant on behalf of the King—an act which Charles, however, afterwards disowned.

1639. Aug. 1.

The commission by which the Council appointed the Provost to represent the burgh at the meeting of Estates is in these terms:—"We do hereby make, constitute, and elect James Fletcher our very lawful Commissioner to the effect underwritten, giving, granting, and committing to him our full power and chairge, to repair to Edinburgh and to attend the Parliament appointit be his Majesty's proclamation to be holden there the twenty-sixth day of August instant, with continuation of days; and then, with the remanent lawful Commissioners of the kingdom of Scotland being there convened, to propone, treat, reason, determine, and conclude in all things there to be proponed tending to the advancement of the glory of God and weill of the kingdom, according to the laws, liberties, and privileges thereof, and generally all and sundrie other things needful anent the premises to do, use, haunt,[1] and exerce[2] that to the like office is known to appertein; promising to hold firm and stable all he does in the premises without any appelation, contradiction, or again calling quhatsumever—be our faiths and truths. In witness whereof we have subscrived thir presents, and hes caused affix the common seal of our burgh hereto."

The Estates on this occasion assembled for the first time in the new Parliament House, and their meeting was inaugurated with great circumstance and show; but it produced almost no result. Charles, notwithstanding his promise, did not think it proper that there should then be any legislation, and he made difficulties and interposed hinderances to prevent it. At first the Estates were incomplete—one of them, the Spiritual Lords, not being represented—and when this objection was overcome, and they began to business, reasons were found for their adjournment from time to time, and ultimately for their prorogation until the following year.

[1] Follow. [2] Exercise.

This insincere and high-handed policy only increased suspicion against the King's motives, and produced further resentment and distrust, which provoked other despotic acts followed by determined opposition. In a little while the civil war seemed to be imminent—Charles was making aggressive threats, and his Scottish subjects were preparing for the issue. "To defray the necessary and urgent expenses, it was voluntarily agreed that every man should pay the tenth pairt of his rent;"[1] and in Dundee, the Council "chose stenters to stent the inhabitants who hes rent within the burgh, for ten of ilk hundred of free rent." The Estates again assembled in June, and then began to legislate without the restraint of royal authority, against which they passed some inimical decrees, amongst them being one approving of this tax for rebellious use, and providing for its enforcement and continuance. This was afterwards denominated the tent or tenth penny.

1640. Feb. 20.

The people at this time showed their zeal for the national cause by the many sacrifices which they made in its behalf. Money and plate were freely offered in loan or gift by those who possessed them, even women, it was said, brought their gold and silver ornaments and most precious jewels to the public treasury. Robert Davidson "was nominated to pass from Dundee to the Committee of Estates at Edinburgh," and to carry with him "the silver wark to be given in with ane goldsmith, and to receive the security to the town thereanent." This plate, which belonged to several of the burgesses, was sent on loan for behoof of the Estates during the public need. The owners of it were rather hardly dealt with. At the time the first interest was expected, it was resolved "that quhen the money shall be obtained for the silver wark quhilk was lent be the town, that from all such as are awing for tent pennies, forty days loan, or any other taxation lately imposed for the good cause, their pairts thereof shall be deteaned be the Bailies." Nothing was, however, then received, and after three terms were due, the Provost "was employed to go to Edinburgh to prosecute the precepts purchest for payment of the silver wark and byrun annual-rent," but he returned without the money, although "he made a report which weill pleased the Council." His next visit was more satisfactory;

Sept. 29.

[1] Act. Par., V. 280.

when he came back, "he declared that he urged payment for the silver wark, principal and bygone annual-rent, but he could have no payment of the principal soum, and only received the annual-rent preceding Mertimes, extending to fifteen hundred and twenty-seven merks, quhilk he hes presently;" and he returned "the warrant, which was imput in the kist in the Council-house." A Committee was then appointed "to meet with all diligence to tak inspection who are awing any of the forty days loan or any other taxation, and likeways anent those to quhom the silver wark is restand, and to divide the soum quhilk is granted for the annual-rent according to the soum due to every ane;" taking care "that such as are awing for bygone taxation, their pairt shall be deducted *pro tanto*." The Council continued to make efforts to recover the principal. When Bailie Davidson returned from Parliament, he reported that an Act had been passed providing "that the moneys restand to them for their silver wark shall be repayed out of the first end of any money payed in the town for excise." This was a recently imposed tax which had not hitherto been very productive to the national exchequer, and was not a promising source for the extinction of the debt, which still remained unpaid in 1646, when the Convention of Estates, that met at St. Andrews, passed some Acts of relief to the town "for the losses sustained quhen the rebels did assault it, and also for payment of the silver wark."[1] Shortly after this, however, the funds in hand proved to be sufficient, and Bailie Sympson "was ordained to receive the money collected for the excise of the malt since Michaelmas, and pay it to quhom there is money restand for their silver wark at three pounds the unce, and gold wark at forty pounds the unce, and to instruct payment to the pairties be their subscriptions."

1644. JULY 31.

After the Presbyterians had gained ascendancy over the Royalists and established the supremacy of the Covenant in Scotland, they resolved on invading England, and doing that country neighbourly service by helping to abolish its Bishops. Accordingly, in the summer of 1640, they marched their forces southward, meeting with no opposition until near Newcastle, where they encountered and defeated the King's army, and in consequence became masters of the north. Charles

[1] Act. Par., VI. i. 519.

then found that it was necessary to enter into negotiations with his rebellious subjects, and commissioners were sent from both sides to treat for peace. Alexander Wedderburn was one of those for the Scots, and he took an active part in the negotiations which then took place, first in Ripon and afterwards in London, and were continued over a period of ten months; the result being the conclusion of a treaty highly advantageous to the Covenanters, even to the extent of providing liberally for the expenses of the army with which they entered England.

Before Wedderburn went south, "he, with the consent of the Council, appointed Thomas Ressan, notar, in whose fidelity he had sufficient experience, to be clerk substitute;" and he "ratified every thing already done be Thomas in the office, and declared that in his doings therein he shall be answerable only to himself." After his return, in September 1641, he judged it expedient to apply to the Estates for "an exoneration" or act of indemnity to cover his proceedings. In his supplication, he says "that he and the other commissioners were employed by the Committee of Parliament in the treaty of peace betwixt the King's Majesty and his subjects of Scotland, and betwixt the kingdoms of Scotland and England, which [employment] they undertook and have undergone till the happy conclusion; and having now returned to this meeting of Parliament the haill articles of the treaty, the petitioner does most humbly submit himself, his haill actions and deportment in that weighty chairge to their consideration, to the effect that if he has been remiss in the dischairge of the instructions given to him, or if he hes for fear of any hazard or hope of any benefit done anything contrair or prejudicial to the public, he, being defective thereintil, may undergo that censure which the wrongers of the country and abusers of such great trust deserve. And if it shall be found that he hes acquyt himself faithfully, then he does humbly crave that as he hes contributed to the service of the Kirk and Kingdom, so he may be exonered of that weighty burden, and that his proceedings may be approven." The Estates replied that, "having considered the report of the Committee for examination of Maister Alexander Wedderburn, town clerk of Dundee, his carriage in the trust put upon him, togidder with the testimony of the King's Majesty and the remanent commissioners, they do find and declare that

he hath so walked and behaved himself as to deserve their testimony of his approvine fidelity and diligence; and, therefore, they do not only exoner him of all challenge that can be laid to him for his carriage, but also do give him this testimony and approbation, that he hath behaved himself in the foresaid employment, chairge, and trust, as ane loyal subject to the King and true patriot to his country."[1]

Wedderburn received substantial reward for helping to forward the negotiations. The King, who was at this time in Edinburgh, evidently held him in personal regard, and, in acknowledgment of his services, gave him a grant of "all and sundrie his Highness' customs at Dundee, for payment of ane certain tack duty;" besides appointing him collector "of his Majesty's impost of all sorts of wines within the burgh, with ane certain yearly pension." And these grants were shortly afterwards confirmed by the Estates.[2]

The Parliament which was then assembled performed the legislative function with much boldness and dignity, and passed important Acts, and even assumed powers, which encroached upon the royal prerogative. The English Long Parliament had just commenced to legislate, and, in setting out upon that independent career which led to such supreme issue, profited much by the example of the Scottish Estates. Provost Fletcher, who still represented the burgh, was one of a small Committee appointed "to think upon such rules as are fitting for the decent accommodation of this heigh court of Parliament, and avoiding of confusion and noise in their sitting and proceedings;"[3] and when he returned to Dundee, and "made report of the commission entrusted to him, the Council were weill pleased, and exonered him of his charge." 1641. Oct. 12.

[1] Act. Par., V. 362. [2] Ibid., V. 521. [3] Ibid., V. 312.

CHARTERS GRANTED TO THE BURGH BY CHARLES I.

While Wedderburn was receiving benefits from the royal favour, like a good burgess, he was not unmindful of the common interests, and he used his influence with the King to obtain valuable concessions for the town. "On the 14th September, 1641, King Charles, at Halyruidhouse," conferred on "the Council and Community of Dundee a gift and patent of all their former rights, privileges, and liberties granted be his Majesty's most noble progenitors, and containing therein ane gift *de novodamus* of their burgh and haill immunities thereof; and making and constituting the Provost and Bailies and their successors Sheriffs within themselves; and also disponing to them four pounds Scots money of all wines vented and run within the burgh." The King at the same time granted to them "a gift of the patronage and tithes of the parochine of Longforgan, for maintenance of the ministrie and other pious works."[1] Although these grants were definitively made, the royal authority was not then so unquestioned as to warrant the Council in acting upon the powers which they conferred without the ratification of the legislature. This, however, was obtained by an Act of the Estates, on 17th November, "confirming perpetually his Majesty's grants, in all the heads, clauses, and articles thereof," and "declaring them to be valid, effectual, and sufficient in all things."[2] But even after the passing of this Act, some difficulty was experienced in getting the charters completed, and "it was thocht fit that Thomas Mudie and the clerk go over to Edinburgh and attend the prosecution of the signatures granted be his Majesty in favour of the burgh." In this they were successful, and on their return, "Alexander Wedderburn deliverit the particulars following—quhairof he had been procurer and suitor to his Majesty—viz.: ane Charter under the great seal con-

1642. JAN. 18.

[1] Act. Par., V. 457. [2] Ibid.

firming all the town's ancient privileges, with ane power to be Sheriffs within themselves, and four pounds of the tun of all wines vented and run within the town; also, ane other Charter under the great seal, quhairby his Majesty gives the burgh all and haill the parsonage tithes of the parochine of Longforgan, with the patronage of the said kirk; and lastly, ane gift be the Duke of Lennox of the Admiraltie of the water of Tay; after the production quhairof, the haill Council not only approved the care and pains taken be their clerk, but likeways did find themselves in a special manner [bound] to be thankful for the same, and also to pay and refund all and such soums as have been debursed be him." A few days afterwards, some of them "made report that they had revised the clerk's accompts, and had found the same to extend to three thousand merks; quhairwith the haill Council were weill pleased, and ordained ane band to be granted for the same."

The confirmation of the ancient Charters was, without doubt, of much service to the burgh, and the new grants were of considerable value. No time was lost in giving effect to them. As we have seen, the authority of Sheriffship was at once promulgated and established, and burgesses were thenceforth prohibited from "pursuing their neighbours before the Sheriff of the shire." The tax upon wine was also put into immediate and retrospective operation; the treasurer having been "appointed to deal with the vintiners for taking course that payment be made of the four pounds of the tun of wine granted be his Majesty;" and that it be made "for all wines run be them since the beginning of November." 1642. MAR. 15.

This tax, which was afterwards levied at a higher rate without further authorisation, proved to be of much value to the town. The revenue derived from it had, no doubt, been considerable, for the Scottish burgers, being happily yet unacquainted with whisky, next to their own ale, which was always famous, drank wine as their ordinary beverage. Bordeaux, generally called claret, was in most common use, the other stronger wines being less in demand, and they were charged with double the excise duty. About the time of the Union, in consequence of an inimical feeling toward France, the differential rates were reversed, and the lighter wines were subjected to an almost prohibitory excise. This imposition was very unpopular amongst the Scots, who

claimed to have thriven upon claret, and gave occasion for the pointed epigram:—

"Firm and erect the Caledonian stood,
Prime was his mutton and his claret good,
Let him drink port! the wily Saxon cried,
He drank the poison, and his spirit died."

THE TEINDS OF LONGFORGAN.

The grant, which Wedderburn obtained from the crown for behoof of the burgh, of "the teind-sheaves of all and sindrie towns, lands, barns, and others whatsumever, lying within the paroch of Longforgan, as also the right of the patronage of the paroch kirk,"[1] was a very valuable acquisition. Longforgan is a fertile parish which embraces a part of the richest corn lands of the Carse and most pleasant slopes of the Braes of Gowrie, and its tithes were judged to be a promising source of revenue to the common good of the burgh. Measures were at once adopted for their collection; but it was no easy matter to realise them, for the lairds were slow to acknowledge the rights of the town, and they took advantage of the unsettled times and endeavoured to evade payment. At an early period the Earl of Kinghorn, one of the principal heritors, entered into a temporary "contract with the town anent his tithes," but the other "parochiners did not pay their teind-bolls for the crop 1642, and although the Council gave warrant to the treasurer to agree with them" at moderate prices, they neither paid in money nor in kind, and a legal charge had to be made against
1643. Oct. 27. them for that crop. "The laird of Monorgan alleged that he had already got ane tack of his teinds, which he proposed should be ratified," but the Council cautiously "continued their answer till they advise with their lawyers thereanent;" and when he pressed "for the answer anent the renewing of his tacks," they resolved "to entreat the Lord

[1] Act. Par., VII. 350.

Fothrines"—a Senator of the College of Justice—"to meet for them in a friendly communing, and quhen he shall return to the country ane day to be appointed."

As part of the tithes began to be realised, David Broune, the minister of the parish, concluded that he ought to have an augmentation, and "he desired that the Council would tak some course in a fair way rather than that he should be put to seek provision for his kirk be law. Quhilk desire they did tak in good pairt"—not being offended at the worthy man asking for more—and when he made "a proposition," they agreed "to meet with him and think upon the best ways for his sattling;" with the result that an arrangement for the future was come to, although "Mr. David still desired satisfaction for his stipend of 1642," but to this they "continued the giving answer until the next occasion," which, however, had not occurred before his death, in 1646.

1644. Feb. 22.

In virtue of the right conferred by the Charter, the duty of presenting a minister to the parish of Longforgan devolved upon the Council, and they, "considering how necessary it is that the Kirk be weill provided with ane able and qualifeit man for serving the cure there, and being informed of the literature and qualification of Mr. Alexander Mylne, expectant in divinity, resolved and ordained that ane presentation be drawn up to him to the Kirk and modifeit stipend;" and this was accordingly done. The new minister was a bairn of the town, he being the son of Alexander Mylne, who at different times occupied the office of Bailie in Dundee. He remained in Longforgan until 1661, when he was translated to the second charge in the burgh. "He became proprietor of the town and lands of Pilmore, and was ancestor of the family of the Mylnes of Mylnefield."[1]

1646. Mar. 16.

Great difficulty was still experienced in collecting the fruits of King Charles' gift. "William Bruce, tenant of the Knapp, gave a band in payment of his bygone teinds, the present crop being included, for five hundred merks;" but the most of the lairds were obdurate. The Master of Gray objected to his tenants of Littletoun of Loghtoun" paying any, and no settlement had yet been concluded with the Earl of Kinghorn as to what should be "the price of those for crops 1642 and 1643," although the Council "did write and showed him that they

[1] Fasti Ecclesiæ, III. 715, 691.

were content to have a communing in quhat is betwix his Lordship and them, and named the Lord Fothrines to be communer for them."

1649. Jan. 5. At last their patience having become exhausted, two of their number were appointed "to deal with the haill heritors and tenants of the parochine for ane sattled course for recovery of the teinds," and "David Yeaman, notar, having caused denunce such of the heritors as hes been charged," poinding of their produce was resorted to. This proceeding did not, however, prove to be very effectual, for the victual

May 8. which was seized having been brought into the burgh, it was "wrangouslie taken upon Saturday last be ane number of poor people perteining to the Countess of Kinghorn and Lord Brechin," who carried it off to some place of hiding. Whereupon, "it was thought expedient that the Council sall still try quhat meal can be yet gotten in secret in the town, and quhat can not be gotten thereof that the Lord Brechin and the Countess be dealt with to share with the town." Lord Brechin, afterwards the Earl of Panmure, was father of the Countess, and he about this time held the Earl of Kinghorn's Perthshire estate of Castle Huntly under mortgage ;[1] consequently he would have an interest in the poinding and recovery of the victual.

The Carse lairds not having been found amenable to legal measures, the Council had recourse to diplomacy, and resolved "to convene with the parochiners of Longforgan, to treat concerning such byrun teinds as they are awing to the town, and to set them at such a heich rate as may be had therefor." Negotiations, however, proved unavailing, for the heritors would offer nothing, and they were again threatened with "the pain of horning and being presently denuncit for non-payment;" and other troubles would have followed had not the Council judiciously changed their tactics. It was evident that the weakness of their position lay in claiming the tithes for the ordinary purposes of the burgh, when they had been specifically granted for "the maintenance of ministers and other pious works." They belonged to the Church, and to collect them for a civil use was perhaps illegal and it certainly was hopeless. But, as we have seen, they had just been found quite

1650. May 21. available for the payment of certain gratuities to a burgh incumbent, and their further employment for such purposes would benefit the

[1] Registrum de Panmure.

common good as much as if they had been paid to the treasurer. So it was agreed that the stipends of two of the ministers "presently serving the cure of the Kirk in the burgh shall be providit from the teinds of Longforgan, and that the best form for doing thereof be advisit in Edinburgh be the town's lawyers." The legal device resorted to was a deed of mortification, wherein the Council, "taking to their serious consideration how much they are bund in conscience and duty to provide their ministers sufficiently to their yearly constant stipends, that they may be the more encouraged to dischairge their callings, all with ane consent mortified to Mr. John Robertson and Mr. John Duncanson, and their successors, ministers at the Kirk of Dundee, all and sindrie the parsonage teinds of the parochine of Longforgan perteining to the burgh, saving and excepting as much thereof as is or sall be appointit to Mr. Alexander Mylne, the present minister. And they ordained all writs and securities necessar to be extendit thereupon."

This proved to be a master-stroke of policy, and the tithes now began to be realised with less difficulty. A contract regarding them "was producit betwix the Earl of Kinghorn and the town," which was carefully "imput in the kist of the Council-house," while some of the Council were sent "to deal with the Countess regarding her own liferent land;" and "Colonel Brown, of Muirtone, desired to meet with the magistrates, to treat and commune anent the sattling of his tithes." The owners of East Newton were, however, hardly prepared to pay theirs, but the treasurer was instructed "to grant them ane fifteen days to mak money to buy their bygone teinds, and gif they fail, to proceed with horning;" and the Master of Gray still delayed making a settlement, but the Conncil, with much courtesy, "were content to supersede any process against him until his lady be weill." The teind-sheaves of the parish now became quite available, and were found to be so capable of supporting the two ministers, that a proposal was even made to quarter the third one upon them also.

But the burgh got into difficulties, and needed present money. During the civil broils great costs were incurred in meeting taxations, in raising levies of men, and in putting the walls in a posture of defence; and, after the siege in the cruel assault which followed, the

1652. May 8. place was so ruthlessly plundered by the Commonwealth soldiers, that the common good became sore straitened and heavily in debt; and the Council, "taking to consideration their great burdens, resolved that the teinds shall be sold to any of the heritors who will buy the same." In virtue of this resolution, they "agreed with Colonel Broun freely to dispone to him his haill teinds of Muirtone and Gaitsyk" for "the soum of ane thousand and aucht hundred merks;" and as the parish minister would thereby "want of his stipend, yearly, eleven bolls oats, six bolls bear, and three bolls wheat, in recompense thereof," it was arranged "that he shall have payit to him, furth of the teinds of Huntlie, twenty bolls of bear and oats," to which "he did give his consent." Then Sir Thomas Mudie, the Provost, bargained with the Earl of Kinghorn, to sell him the remaining "teinds of his land, since the date of their gift, for twa thousand three hundred pounds, to be payed at 1653. Sept. 27. Whitsunday." Other sales were effected, and thereafter "the Council, being frequently convened, did ratifie and approve the transactions made anent the disponing of the tithes of Longforgan, and especially the agreement with the Earl of Kinghorn, and with the Laird of Pitture, as also with Colonel Broun of Muirtone, and the Laird of Inchsture for his teinds in the parochine, and obliged them to subscryve particular dispositions quhen such shall be offered to them." And so the larger portion of the King's gift was disposed of. The Charter which conferred it had been "brunt and destroyed when the charter kist was broken up be the English soldiery" in 1651, but its provisions, as also those of the Charter confirming the town's ancient privileges, were ratified by Parliament in 1661.[1]

THE MAGISTRATES APPOINTED ADMIRALS-DEPUTE.

The magistrates not only received a grant of the office of Sheriffship within the burgh, but they also obtained the right of jurisdiction over the river. By a commission from James, Duke of Lennox—a near

[1] Act. Par., VII. 350.

relative of the King—who held hereditarily the office of Admiral of the kingdom, the Provost and Bailies and their successors were constituted "Admirals-Depute over the water of Tay fra Bruchtie and Ferry-Partin-Craig westward to the burgh of Perth, with power to hold Admiral Courts as oft as need beis, and to call before them all boatmen and ferriers from both sides of the water, and to fix their dues."[1] The right thus conferred was only occasionally used. At a time when measures were being taken for improving the defensive strength of the town, the Council "ordained ane Admiral Court to be holden in the tolbuith upon Friday next, and the haill boatmen and all liable for the gold pennies to be warned to that diet;" and, subsequently, a day was appointed "for holding ane Admiral Court quhich is to consist of the present magistrates and the old, and the clerk to give precepts for citing any pairtie who hes actions to pursue." But the Court appears to have been practically of very little consequence, and at the advent of the Commonwealth, when the office of Admiral ceased, its powers and jurisdiction fell into desuetude.[2]

1644. Nov. 19.

TROUBLES WITH LORD DUDHOPE.

After the death of Sir James Scrymgeour, there was a long truce between the Constables and the burgh. His son, Sir John, was a quiet man, who sat in Parliament—first for Forfarshire and then for Argyleshire—happily without any distinction, and was content to live in

[1] Charters and Writs, by William Hay.

[2] A gentleman, who not long since filled the place of Chief Magistrate in the burgh, was happily able on a public occasion to turn the office of Admiral-Deputyship to practical account. Having been invited to be present at a great national thanksgiving in St. Paul's Cathedral, he, on arriving at the church, found to his annoyance that the various municipal representatives were to be put away into an obscure corner, where no part of the ceremony would be seen. White Stick in waiting could give no relief, and, when some central unoccupied seats were pointed out, he answered haughtily that these were reserved for Admirals. "Well, it is there I should be," said the civic magnate, "I am Admiral of the Tay." The title fairly caught White Stick, who then, deferentially bowing, led the northern Admiral up the aisle to one of the chief places.

peace with those around him. But James, who followed, inherited the arrogance of his race, and showed no friendly feelings toward the town. In 1641, he was created Viscount Dudhope, and the accession of honour seems to have made him even more haughty to the burgesses, who were but little disposed to submit to his rude bearing, and there arose frequent occasions of quarrel. By the grant of James VI. erecting Dudhope into a barony, the Scrymgeours were confirmed "in the patronage of the parsonage of the Kirk and parochine of Dundee,"[1] and as they had at the Reformation possessed themselves of certain Church rents, it was held that they should from these and the tithes of their own lands pay the parson's stipend. Hitherto they had not exercised the patronage, and probably had not paid any part of the stipend, but after the deposition of Andrew Collace, Lord Dudhope challenged the right of the Council to name his successor, and interrupted them in making an appointment, although he himself did not place an incumbent in the vacant charge.

1642. Feb. 22. When the office had been unoccupied for nearly three years, the Council resolved to request "the ministers to advise with them quhat shall be their carriage in following furth the plantation of the vacant place;" and accordingly made "an appelation to the Presbytery concerning the parson, which they subscryvit and presentit in person, accompanied by some other honest neighbours." They also "did desire the ministers to provide for supplying the place on the week days be some young man, and did promise to give him satisfaction." After the reference to the Presbytery, "William Scrymgeour, brother germane to the goodman of Kirktoun," came to the Council, "and declared that he was sent be the Viscount of Dudhope to desire that they would be pleased to send some of their number to his Lordship, and he was confident to give them satisfaction in this particular so much debated anent the providing of the parson's place." But they did not wish to see his Lordship; he was not a pleasant man to meet at any time, and they had other differences with him which would make a present interview impolitic. So they "thocht it expedient" to answer "that, if the Viscount have any particular to communicate, they will hear the same, and advise thereupon, and give such answer as they

[1] Act. Par., V. 90.

shall think meet; and withal, quhat is to be proponed, that it be sent in writ, and the answer shall be given accordingly." No proposal, however, came, and no presentation was made—Lord Dudhope remained in possession of the endowments, but provided no parson, and even Henry Fithie, "who hes laboured the glebe thir three years," continued to reap its profits without paying any rent. Then, the patience of the Council becoming exhausted, "they ordained that upon the 6th of July next to come the summons against the Viscount for plantation of the Kirk shall be given." Yet they would rather not fight, for "they desired the ministers in the meantime to speak him if matters may be peaceably agreed;" and the result of the mediation was that he then presented to the place a man against whom they appear to have had insuperable objections, the nature of which is not, however, indicated.

1642. AUG. At a meeting of the General Assembly held at St. Andrews, an endeavour was made to effect an arrangement, and "the appelation to the Presbytery anent the plantation of the Kirk having been approven, Mr. George Halyburton," the presentee, was induced "to pass from his presentation,[1] and it was thocht meet that the Marquis of Argyle, the Earl of Lauderdale," and others "should at their meeting in Edinburgh advise the Viscount to nominat such a man as would give the town all contentment." This influential Committee persuaded him into an unwilling concurrence, and Bailie Davidson came home and reported "that Mr. Andro Auchenleck, minister of Largo, had been presented be the patron, and that the Committee had chairged him and his parochiners to compeir before them to hear and see him decerned to be transported. Quhairwith the Council were weill pleased, and ordained the chairge and precept to be prosecute to the final end thereof."

OCT. 11. The matter having thus been settled, they asked Robert Edward, the young man appointed to supply the place on the week days, "to continue his preaching" till the new minister "was sattled hither," and "promised him in the town's name satisfaction for his bygone service." They did not, however, observe this stipulation, and he

[1] The Assembly at this time appointed him to the parish of Menmuir, which had probably been done to induce him to resign the presentation to Dundee. He was afterwards a chaplain with the army.—Fasti Ecclesiæ, III. 842.

got the ministers to represent to them "that he had now supplied the vacant place this half-year bygane, and they should remember to appoint him some satisfaction," but they evasively "continued the matter;" and when the ministers again pressed the poor fellow's case, "they thocht expedient that the Viscount of Dudhope should be spoke to see quhat he will do in that particular;" and this was undertaken by John Duncanson, the young man in the meantime waiting. But nothing came of the interview with his Lordship, and then the Council, in "consideration of the pains taken be Mr. Robert Edward, who did preach twice every week during the last half year, thocht fit that three hundred merks be presently given him."[1]

1643. Ap. 18. The new parson fared no better than the young man, for the patron, who had unwillingly presented him to the benefice, seemed to be determined to starve him out of it. "The Council, taking to their consideration how that Mr. Andro Auchenleck hes served this half year bygane, and that as yet he can have no sattling with the Viscount of Dudhope for ane competent stipend, thocht fit that some course be taken for acknowledging his service," and they instructed certain of their number "to think upon the best ways for doing of somewhat that may testify the town's contentment with him." And the result was that "five hundred merks were lent to the parson," as no progress could be made "in sattling of his stipend."

While Lord Dudhope was dealing in this hard manner with the ministers, the Council were striving to requite him, and they devised insults which made the mutual resentment stronger. They began by making reprisals upon his patrimonial domain, the Rotten Row. Thomas Jack, a merchant there, having resolved on reconstructing the modest shop which held his wares, he concluded to carry its front wall

[1] Robert Edward, who was a native of the town, in 1656 obtained a presentation to the Church of Murroes, and continued there until his death, in 1696. In 1678, he published in Dundee upon a large sheet, a Description in Latin of the County of Angus, in which he gives curious details regarding the topographic features and natural history of the shire; and also an account of the town—remarkable chiefly for a quaint and fantastic comparison which he makes between its different localities and the various parts of the human body. Along with the Description, he issued an interesting Map of the County, executed by himself. Both these sheets are now most rare.

farther forward than it was before, and proceeded to build accordingly. But the Council were watchful and objected to his erection, not because he was narrowing the highway—for they had often permitted encroachments upon the confined streets within the burgh, and the road up the hill was very spacious—but because they had resolved on fighting the Constable upon his own ground, and claiming to exercise burghal rule over it. When Jack received the interruption, he judged it prudent 1641. "to give in a supplication desiring liberty that the stane chop quhilk Dec. 21. he is presently in building in the Hill, may be permitted to go up." But they "having found the same to be of ane dangerous preparative," (a solemnly wise phrase usual on such occasions,) "therefore ordained it to be demolished and then bigged up according to the old foundation;" and appointed some of their number "to go and see the same put in execution," an order which was not, however, carried out. A few weeks afterwards they again enacted "that the holls quhilk are casten up in the common loaning in the Hill shall be filled up," and resolved "to go themselves and see it done be workmen;" and to make the occasion more impressive, ordained "the collector and deacons of crafts" to attend them. But they did not venture upon these extreme measures, for Lord Dudhope, resenting their interference, and desirous of causing them more annoyance, had been threatening to take steps for having the Hill erected into an independent burgh of barony, and they, afraid of provoking him to this, judged it prudent to act more 1642. warily. So they persuaded Jack to submit himself "to their censure Mar. 1. for contravening their ordinance when he was inhibit to build any farder of that stane wall of his now presently in building in the Hill. Quhairupon they all in ane voice gave liberty to him to build his wall and prosecute his work according to the foundation; and for the fault commited be him in attempting this by[1] their tolerance," they imposed on him the modified penalty of five merks, a leniency to which he did not respond in a proper spirit, but "reviled the magistrates; quhilk was proven be several witnesses against quhom he had nothing to object." Of course this could not be submitted to, and "he was unlawed in forty pounds, and ordained to repair in ward until he paid the same." He, however, got off very easily, for the treasurer "obliged

[1] Without.

himself to be comptable for Thomas, and he was permitted to go to liberty."

The Council next committed an overt act against the authority of Lord Dudhope, which much aggravated the quarrel and led them into more trouble. The Scrymgeours, as we have noticed, possessed, by immemorial usage and indenture, the right of exercising jurisdiction within the burgh and exacting custom of all goods carried into the ports during the eight days of the annual fair, and this they enforced by riding through the streets with a band of armed followers. The assumption of this feudal superiority was frequently resented by the burgers in times of truce, and now, when it was to be exercised by the proud Lord, between whom and themselves recent contentions had bred mutual contempt, it seemed to have become intolerable. So, 1642. Aug. 9. when the next occasion approached, "the Bailies were ordained to mak interruption on Mononday next to the Viscount of Dudhope anent the riding of the fair as in preceding years;" and this was accordingly done. As might have been expected, this act of indignity was not quietly submitted to, "and a summons was used be the Viscount against the Council for interrupting him in the riding of the first fair and for certain other allegit wrongs, quhilk summons being callit, and witnesses examined, the Lords of Council" found them to be in the wrong, and "decerned that Lord Dudhope be repossessed in the riding of the fair, and not interrupted but by order of law, under the pain of twenty thousand merks;" and decerned that they pay "the 1643. Jan. 24. witnesses chairges." Besides which, Bailie Davidson, their commissioner before the Privy Council, reported that he and the two other Bailies who had interrupted the riding "were ordained to enter themselves in ward"—and unto this they had presently to address themselves, under the pain of horning.

There had been some strong language used at the meeting of Council on the day that Bailie Davidson brought over his report, although the minutes only say "that they could not but heavily regret the great prejudice layed upon them be that decreit, and the great affront they did suffer in that their commissioners were warded." They, however, resolved "and did ordain that all legal course might be taken for trying and interrupting his (Lord Dudhope's) rights, for

enlarging and maintaining of the town's rights, and in stopping of him in all legal ways of any benefit he can reap therein; and that quhatsoever chairges shall be bestowed thereupon, the samin shall be added to the first taxation."

1643
But the Viscount followed up the decree by raising "a charge Jan. 31.
of lawborrows, under the pain of ten thousand pounds, against the Council themselves and the haill inhabitants," to meet which they "presently despatched ane letter to their agent for procuring ane suspension of the charge upon such reasons as their ordinary advocates should think relevant;" and they resolved "that letters of lawborrows shall be raised, under the greatest penalty can be obtained, against the Viscount, his son the Master, and their haill kinsmen, friends, and followers." When the charge against them was to be heard, their agent in Edinburgh "desired that they send over some honest men to attend the discussion," and they did send them along with the clerk "to attend any charge quhilk shall be given." The result of the action was that Lord Dudhope obtained the decree of lawborrows against the Council and the burgh, and the only comfort that Alexander Wedderburn could bring them was "that the Secret Council had found that they shall only be liable for the inhabitants in so far as shall be done be their command and authority;" but they made the most of this, and professed themselves "weill pleased thereat." John Fotheringham Mar. 14.
of Powrie "acted himself as cautioner and surety for the Council for obedience to the charge of lawborrows," under the pain of the ten thousand pounds, "and for this favour shewn to them be him, they subscryved ane band quhairin they obliged them and their successors to relieve him of the haill contents of his band of cautionrie, and ordained that the Council for the time shall be liable to relieve the present Council, whose heirs shall be free and have their relief in all points." After this caution was given, the Privy Council sent "a warrant for the liberation of the Bailies," and they were relieved from ward.

Lord Dudhope was now taking measures for obtaining a charter to erect the Rotten Row into a burgh, meaning thereby to foster it into such importance as would enable it to rival and vitally injure the interests of the town. The Council, while much alarmed at the prospect

1643. May 15. of this, became even more determined "to prosecute and defend such actions as are depending;" and when their agent brought over from Edinburgh "the acts and letters against the Viscount, David Yeaman, messenger, was ordained to execute them this day"—and he must have been a brave man who ventured upon such an errand to Dudhope Castle, and would have need to return warily down its slopes. Then it was ordered that "the morn, at the afternoon, the common kist shall be visited for such writs and evidents as are necessary to instruct the processes that are now depending;" and when "the commissioners appointed to go to Edinburgh upon the business," returned "and made report of their haill proceedings, the Council were weill pleased, and approved their diligence in every thing."

It was then thought "fit that there should be ane declaration drawn up in writ, testifeing how none of the actions depending between Lord Dudhope and the town are intended and prosecute but be common and unanimous consent of the haill inhabitants. Quhilk was accordingly done," and it was signed by them all, "some three or four excepted." But the Council, "considering how dangerous a preparative it may be that any particular person should refuse to do what shall be thocht expedient for the weill of the burgh, ordained some of their number to speak to those who refused to subscryve, and to report their answer, that they be censured accordingly;" and the result, no doubt, was that the plebiscite obtained the signatures of every one.

Aug. 8. The time of the annual market having again come round, the Council, nothing daunted by past experience, resolutely "ordained that the Bailies shall mak interruption to the riding of the fair; and for preventing any inconvenience quhilk may fall out at that time, ordered that the commons be convened in ane collector court," (their rendezvous would be in the Howff, a place well suited for sallying out of,) "and the Bailies to go to them and admonish them what should be done;" and something would doubtless have then been done inconvenient to the Constable, if he had not wisely abstained from riding his fair upon that occasion.

Lord Dudhope's application for the charter having now come into court, "the town's commissioners for opposing the erection of the Hill in ane burgh of barony, desired that some of new might be sent over

to attend on Mononday," to which time the decision had been continued. On that day, to their dismay, the Court of Exchequer gave a decree in favour of establishing the new burgh, and only granted a delay in completing the charter "until the fifth November next to come, upon condition that no indirect way should be used be the town to the prejudice of the signature"—a condition with which the Council expressed themselves satisfied. But they now felt that his Lordship had gained an important advantage over them, and that to fight longer was hopeless; so they resolved to try and effect a compromise of their various outstanding differences with him, and to solicit his friends for their good offices in forwarding this. James Graham of Monorgan, "was asked to see if the Viscount will condescend to ane friendly agreement;" Doctor Maul "was employed to speak with my Lord Dudhope anent the drawing on of ane friendly meeting;" Pitkerro "was desired to help on ane friendly submission betwix the town and him;" and "my Lord Fothrines and the Laird of Panmuir were solicited to treat betwix them and the Viscount." 1643. Sept. 4.

At the time when they were thus pleading for intercession, in a most inconsistent spirit of hostility they proposed to set the Constable's newly acquired barony rights at defiance by having the house which Jack built in the Hill "demolished and taken down, according to their former decreit," before the new charter came into force; and when Jack, "being lawfully warned, and oftimes called, compeared not before them, they did unlaw him in five pounds for his contempt, and ordained that masons and wrights be entered after noon, for stating what shall be thocht requisite till the demolishing of the wall, and that upon his proper chairges." But this was only a threatening trumpet blast; had they really meant to overthrow the house, the masons would have done that without any calculation before the sun had set. And then they vainly tried to prevent the Constable from obtaining command of the foot soldiers of the shire, by sending commissioners to "the Committee of War at Forfar, to represent the town's desire to have my Lord Viscount of Dudhope his election to be Colonel continued." Oct. 17.

Both parties were, however, now exhausted with the contest, and agreed to remit the various matters in dispute to the adjudication of

Lords Fothrines and Newtoun; and these Lords having made a draft of a proposed compromise, some of the Council "were sent to a dyet at Edinburgh to cause extend the minute betwix the Viscount and the town," and the "parson was entreated also tb go and see his stipend sattled and secured." Upon their return "they produced the contract extended from the minute, all marked with the subscriptions of the [arbiters,] wherewith the Council, being advised, did find the same agreeable to the minute in all minutice. But forsameikle as the article concerning altarages and chaplainries was not as yet cleared," they made "a visitation of the old rentals of the Hospital" to try and obtain farther elucidation, and resolved "that before the contract is perfected be the town, Lord Dudhope shall be spoken to and tryed quhat he will do for the altarages; and if he will not grant what is wanted, that the arbiters be written to, to decide the same legally." The Viscount, however, gave them "ane band mortifeing the haill altarages within the burgh to the Hospital," which ended "that particular controversy betwix him and the town," and all disputed points were then adjusted. But Lord Dudhope was killed at the battle of Long Marston Moor before he had signed the agreement. His son, however, completed it, for when the Council "thocht fit that four of their number should speak to the new Viscount, that all controversies betwix his umquhile father and the town, as they were accorded and agreit before the Lords Newtoun and Fothrines, may be perfected," he appears to have at once consented, and by his signature made the contract effectual.

1643. Dec. 5.

1644. Aug. 13.

By this agreement, Lord Dudhope became bound to pay Andrew Auchenleck and his successors, parsons of the burgh, the sum of twelve hundred merks as a constant stipend; and he renounced in favour of the town the chaplainries and altarages whereof he had not right and possession, on the town discharging to him any claim of right they had to those which he held in right and possession, (an article which certainly needed to be made clearer.) He also discharged the new signature granted to him by his Majesty for the erection of the Rotten Row into a burgh of barony, including the liberty of a weekly market, with two fairs in the year, and the exercise of trade, merchandise, and craft; and became bound that the highway and the loan in the Hill shall remain unbroken but by the advice of the town; likewise, that

the inhabitants of the town shall have right to dry their clothes and stent their cloth upon the slainting hill as they have been in use to do, and that the number of tailors to remain in the Hill shall be only four. The Council consented that the Viscount or his deputes upon the first fair day shall ride through the town accompanied with his friends and followers, not exceeding the number of twenty horse, in most peaceable manner, and, for the space of eight days during the fair, shall judge betwixt stranger and stranger, and betwixt others, conform to the indenture passed in 1384; and, notwithstanding that by this the court should sit upon the Castle Hill, they agreed that it shall be holden in the tolbooth, which, with its doors, shall be made patent to the Viscount, and the keys of the upper or nether iron house delivered for keeping delinquents during the fair; and, for this use of the tolbooth, he discharged the town from paying him twenty shillings sterling mail out of the Constable's old strength at the Castle Hill. The Council also acknowledged his right to the customs of the first fair, and that he might then exact from each boat coming in with herring or Bervie haddocks, one hundred, and from each with kylling or ling, two; and he consented that all abuses in the customs shall be reformed. They likewise agreed to exempt him from payment of the ladle customs on all victual ground upon his lands; and to set to him the parsonage teinds of Kinguddie and half Drimmie, lying within the parish of Longforgan, for twenty merks yearly. They also became bound that their late gift of Sheriffship granted by his Majesty, shall not prejudge him in his Constable rights within the burgh. And he absolutely discharged the action of lawborrows heretofore used and intended against them, and now depending.[1]

This contract settled for a time most of the disputes with the Scrymgeours. Their right of jurisdiction during the fair, thus ratified, became firmly established, and is yet exercised by their representatives; the riding is indeed done in a shadowy and prefunctory manner, but the

[1] The agreement is printed in full in Mr. Hay's "Charters and Writs of the Burgh." It is an evidence of the distrust in which the parties to the contract held each other, that it was deposited, beyond the reach of either of them, in the keeping of George Halyburton, minister of Cupar, afterwards Bishop of Brechin. In 1676, he delivered to the Council the copy which is now in the archives.

customs are collected *bona fide*. The charter for erecting the Rotten Row into a burgh of barony, and which was to galvanize it into municipal life, caused no further anxiety to the burgesses. But the provision for the Church, which seemed to have been well secured, did not prove to
1648. Oct. 17. be satisfactory. John, the new Lord, in a few years became as unable or unwilling to pay it as his father had been, and the parson in his necessity "represented to the Council how he had wanted his stipend this three half-years from the Lord Dudhope, and how he had often socht the same, and caused some of the Presbytery deal with him, who receivit fair promises but nothing else, and he therefore desired their assistance to obtain him payment." So they, moved by his condition, thought fit that some of their number should "go to his Lordship in the town's name, and entreat that the parson may have present satisfaction, which if he shall postpone to do, that then they acquent him that the town will be the pursuers in ane legal way." This having only produced some more good words from the Viscount, they ordered "ane letter to be written to him, aither to give Mr. Andro Auchenleck present contentment for his bygone stipend, conform to his promise, or they will assist to pursue him before the Committee or Parliament;" and the following week, they peremptorily gave him only two days "to content the parson, or else they will concur in his pursuit as far as law will permit." But these threats were not put in force, for the times were out of joint, and Andrew continued to be but indifferently provided for. After the siege of the town, he, along with John Robertson, was carried to London, and suffered a lengthy and miserable imprisonment in the tower. At his liberation he was in great need, and the Council gave him such help as they could, but it does not appear that Lord Dudhope paid him either his stipend or its arrears.

MEN AND MONEY WANTED FOR THE ARMY IN IRELAND.

When the long season of peace had ended and the time of civil disorder and trouble was come, a change took place in social habits, the country became embued with a military spirit, and the Council had to take measures for raising levies of men and training the burgesses to arms. They employed Major Wedderburn in this service, "at ane hundred merks per mensem, as was conditioned at his entry;" but it would appear that he had not given satisfaction, for at the end of one month he was discharged, and received "ane hundred pounds in complete payment of all acclaimed be him." Whilst raising volunteers the Council desired to be relieved from the charge of maintaining regular soldiers. Bailie Davidson "was ordained to go to Balgonie, with a letter to my Lord General for getting warrant to discharge the quartering of Sinclair's regiment." The General was Alexander Leslie, Earl of Leven, who had just returned from the successful campaign in England, and was living at his ancestral house in Fife. Shortly after this he was placed in command of the Scottish army which was sent to Ireland. In that unhappy country there had been an insurrection, a cruel massacre, and dreadful atrocities, and refugees from it were appealing for help. "The Council appointed that Alexander Mylne shall receive the money which is contribute for relief of those wha are come out of Ireland, and shall keep the same until he get farder direction." The army there was much in want of recruits. The Marquis of Argyle, who was Colonel of one of the regiments, in which his son was an officer, wrote to the Council "ane letter desiring that they would use their best diligence for giving of some sogers to be of his eldest son, the Lord Lorne, his company;" and "they convened the collector and deacons, who all resolved to do their diligence, and to report the same this afternoon."

1641. Dec. 21.

1642. July 12.

The army remained for a considerable time in Ireland, and needed money as well as men. The English Parliament had promised supplies, but it was so fully occupied with the business of the great Civil War

1643. that it failed in sending them, and recourse was had to asking for
Mar. 27. loans to meet the exigencies of the occasion. "Ane letter was produced from the Marquis of Argyle and the Earls of Cassillis and Lauderdale, and therein an Act of the Lords of Council, desiring that all weill affected subjects may advance such soums of money for relief of the Scots army in Ireland as they are able, and that upon the security mentioned in the said Act. Quhilk being read, and the Council therewith being weill advised, they thocht it expedient that they should think seriously thereupon till the morrow"—being unwilling to give a brusque refusal, yet having no disposition to entertain the proposal, for matters now looked threatening near to themselves, and the interests of Ireland were almost beyond their sympathies. So, after a night's "consideration of the letter from the Secret Council anent the lenning of money, they did all and every one of them declare their willingness, but for the present they had none." However, "they ordained that the Dean of Guild shall convene the merchants and propose the Act and letter to them, and try if any will advance money upon that security; and likeways that the notars be enquired at if they know any that will advance any soums for that use." It could hardly have been expected that these others would do anything else than follow the example given to them, and when the Council next met, "the Dean made report that he had imparted to the brethren of the Guild—quhom he had charged all to ane court for that effect—the Lords of Council their desire for lenning for relief of our brethren in Ireland, and they all declared that they had no money to lenn." Then
Ap. 3. the Council, desiring still further to show their zeal to these Lords, "all thocht it expedient that the neighbours of the burgh be of new required, and that the ministers the next Sabbath mak intimation in their pulpits," calling upon all "to come to the Council-house at the ringing of the bell the 11th of this instant at ten hours. And the Bailies to speak to the ministers for that effect."

All was, however, of no avail, for, by a general coincidence, neither the Council, nor the merchants, nor the notaries' clients, nor the neighbours had any money to lend, and so it was "resolved that ane letter be sent to the Marquis of Argyle in name of the remanent nobleman who wrote for lenning of money, excusing the town be

reason of their inability, and that the letter contain all the fair excuses that may be;" and a letter was accordingly written, "and read, and approven" for that effect.

The proposal to borrow having proved a general failure, the Parliament which met in July passed an Act to provide for making an enforced loan to meet "the necessities of the army engaged in suppressing the rebellion in Ireland which threatened danger against the Protestant religion."[1] At a meeting of the Council, Thomas Mudie, Commissioner from the burgh to Parliament, reported this, "and declared that it was concluded that before the feast of Candlemas next the same should be in readiness; and for testification of his diligence, he made intimation thereof. Stenters were then nominat to proceed and stent for the town's pairt." But as the time drew near for its collection, "the Council taking to consideration the necessity that their pairt of the loan and tax, extending to the soum of fourteen thousand three hundred and thirteen pounds, shall be presently advanced, resolved that the same shall be borrowed quhair it can be had, and security given be them therefor; and that the stenters be charged to sit down and stent the haill inhabitants for such pairt as shall be thocht fitting."

1643. SEPT. 28.

ROBERT JOHNSTON'S LEGACY TO THE TOWN.

Robert Johnston, LL.D., a native of Moffat in Annandale, after having received his education at the University of Edinburgh, went at an early age to London, where, probably as a merchant, he acquired much wealth and attained to considerable honour. Being a scholar, he devoted his leisure to literature, and wrote an elaborate History of his own time, in Latin, which, after his death, was printed at Amsterdam, and, subsequently, the portion of it relating to Scotland was translated and published in London.[2] As he had no family of his own, he resolved "to bequeath that talent of worldly goods which God had

[1] Act. Par., VI. i. 27.

[2] Irving's Hist. of Scot. Poetry, 536.

lent him," mainly for charitable uses in his native land. In this he appears to have been influenced by the example of his compatriot and friend, George Heriot—to whose estate he acted as an executor—and like him restored his talent with the usury of multiplied blessings. By his will, executed in 1639, he, after providing for some relatives and remembering his friends with keepsakes, left certain sums of money for endowing the Grammar School at Moffat, for building a bridge over the river Annan, for "buying gowns, stockings, shoes, and shirts unto the poor children of Mr. Heriot's Hospital, and for the maintenance of an able schoolmaster there," for "keeping eight poor scholars in the College of Edinburgh," for distributing "amongst servant maids which have served seven years together in merchants' or artificers' houses in Edinburgh, faithfully, modestly, and honestly, ten pounds sterling apiece at their days of marriage," and for giving help "every Sunday in Greyfriars' Church, London, unto the halt, lame, blind, sick, and such other as be comfortless." Toward the support of the poor in Edinburgh he devised one thousand pounds, to Aberdeen, Dumfries, and Glasgow, six hundred pounds each, to Kirkcudbright, five hundred pounds, and "unto the Provost and Bailiffs of Dundee the soum of one thousand pounds of the lawful money of England, to be employed in a stock or wedsett of land in perpetuity for the yearly maintenance of the aged and impotent of the town."[1]

1642. JULY 12. It does not appear that the worthy Doctor had been connected with Dundee, although the large share of money which he left it would seem to suggest this. The Council had no knowledge of the bequest until some time after the testator's death, when they received "ane missive letter from John Joyce [or Jossy,] merchant, Edinburgh, one of the executors of umquhile Mr. Robert Jonston, Esquyre, intimating that the said umquhile Mr. Robert had bequeathed and left in legacie, for maintenance of the poor and indigent persons of the burgh, the soum of one thousand pounds sterling, to be bestowed upon annual-rent to be applied for the enterteinment foresaid." They then, considering "how that it is incumbent to them to be most careful that the money be employed according to the mind and will of umquhile Mr. Robert,

[1] Robert Johnston's testament is printed at length in the Memoirs of George Heriot, and also in the Report on the Dundee Stipend Case.

all of ane consent statute and ordained that the soum be waired upon land or otherways quhair best commoditie may be had, and the annual-rent totally employed for the maintenance of the poor decayed neighbours within the burgh;" and resolved "that one of the Council shall be yearly nominat wha shall have charge and oversight" of the interest, "and mak his accompts yearly, to the effect it may be seen and known that the same is employed according to the provision foresaid, and no otherways." An instalment of the legacy was to be sent forward, and "there was ane discharge subscryved for seven hundred and fifty pounds," for which sum, three months afterwards, "John Joyce his band was produced."

When this money came, the Council agreed to apply it "in payment of such soums as the town is awand, so far as the same will extend, and for security thereof that ane obligation bearing infeftment of the mills be drawn up" in favour of the master of the Hospital, to whom "the town shall be bound to pay the annual-rent yearly;" and they subsequently "subscryved a band to him for threttene thousand five hundred merks"—equal to seven hundred and fifty pounds sterling.

The first quarterly instalment of interest due upon this amount was not employed in accordance with the testator's will, but went to the payment of Robert Edward, the young man who preached twice every week without having received any stipend from the patron. Afterwards, however, the revenue appears to have been disbursed in pensions to poor people and in payment of the cost of an addition to the Hospital.

1646. JUNE 2. Four years elapsed until the balance, amounting to "three thousand pounds Scots, in complete payment of Mr. Robert Jonston his legacy, was delivered by John Joyce," and this the Council "ordained to be employed as follows:—two thousand five hundred merks"—equal to one hundred and thirty-eight pounds seventeen shillings and nine pence sterling—for the cost of "Monorgan's croft, quhilk was disponed" the previous year "for the use of the Hospital, and the other two thousand for the behoof of the Hospital." The purchase of Monorgan's croft—afterwards called the Hospital Ward—ultimately proved to be a good investment. John Fithie, tenant of

the town's mills, held it until 1652, but having fallen in arrears with his rent, the Council instructed "the Hospital master to set the hauch callit Monorgan's hauch, with the pertinents and crops, during the space of three years, to William Jaksone, maltman, for three score pounds the first year, and ane hundred merks yearly thairefter gif it can be had;" and they "inhibited John Fithie fra molesting of William or any tenant, occupier of Monorgan's croft, under the pain of fifty pounds unforgiven." The ground continued to be rented for agricultural purposes, with practical reservation of the use of it to the inhabitants for recreation, until about fifty years ago, since which time it has been advantageously feued for the erection of buildings. By the settlement made in 1864, the proceeds of Robert Johnston's bequest were separated from the Hospital funds, and were defined as being limited to that portion which was invested in Monorgan's croft. This now produces nearly fourteen hundred pounds annually—equal to ten times the price for which the ground was purchased—and the revenue, in accordance with the terms of the worthy founder's will, is distributed in small pensions to "the aged and impotent of the town."

Dr. Johnston's wealth proved to be inadequate to his intentions, and some of his good purposes were frustrated. It would appear that the Grammar School at Moffat was not endowed and that the bridge over the Annan was not built, and we find that a modest income which he devised to a poor relation was not paid. By a provision in his will the sum of five hundred pounds sterling was to be placed at interest to provide his nephew, Robert Spence, with an annuity of forty pounds. This appears to have been paid for a number of years, and then to have ceased. In 1663, Spence petitioned the Lords of Articles to call upon John Josey, Edinburgh, the surviving executor, to give count and reckoning and to make good his legacy, for the want of which, he alleged "that himself and his children are in a perishing condition, having no trade, way, means, nor other subsistence." The Lords agreed to hear the parties, and this resolution Parliament approved of, and gave warrant for the proceedings, but we do not hear further regarding them.[1]

[1] Act. Par., VII. App. 100.

IMPROPER CONDUCT TOWARD MAGISTRATES.

The office of magistrate continued to be subjected to occasional indignities. "Patrick Stensone upbraided Bailie Alexander Mylne, publicly upon the streets, by saying that he was as gude as Alexander was, and if he had as much money he might be Bailie quhen he pleased." These words having been reported to the Council, "and Patrick being questioned thereupon, he denied" having used them; "but the pursuer offered to prove this instantly. Quhairupon diverse witnesses being examined, against quhom Patrick had no objection, they did prove the same sufficiently, and the Council all in ane voice did unlaw him in the soum of twenty merks, and ordained him to remain in ward during the pleasure" of the Bailie, and also "to crave his pardon."[1] 1643. MAR. 28.

"John Bathgait, notar, upon Mononday last, gave Robert Davidson, ane of the Bailies sitting in the court, ane open lie. Quhilk great affront having been acknowledged and confest be John, the Council therefor unlawed him in one hundred merks, and discharged his pleading for any pairtie at the bar;" and ordained "that if ever he shall be found to offend or injure any councillor, far less any public magistrate, he shall be liable to the greatest censure, and shall remain in ward until he satisfy." But neither punishment nor threats had a salutary effect upon Bathgait, for he subsequently behaved himself more outrageously to another magistrate. When he attacked Bailie Davidson, his conduct, although most unbecoming, may have been professional, but certainly this was not the case when "he wronged Bailie Mudie while discharging his office, by striking him with ane sword," (which was not a notarial instrument,) "to the effusion of his blood." After this onslaught he 1644. FEB. 29.

[1] Bailie Mylne, as I have noticed, was the progenitor of the Mylnefield family. A tombstone in the Howff records that he died in 1651, and says:—

"Religion, manners, prudence, candour, always shone
In Milne united, with a lustre all their own;
The commonwealth was prosperous underneath his care,
To him the court and seat of justice sacred were."

very prudently fled out of the town, and when he could not be found, the Council, in consideration of the great wrong which he had done, "ordained him to be banished perpetually," and made "his son Andro act himself cautioner, under the pain of ane thousand merks," that his father "shall not again enter the burgh."

1644. JULY 31. Bailie Davidson, who appears to have been an active and useful magistrate, was not only subjected to obloquy, but was in danger of violence also, for Alexander Jack, younger of Windhill, "wronged and injured him publicly upon the streets by offering to put violent hand in him." Having been placed in durance, Jack "acknowledged the wrong, and submitted himself to the Council, quha then unlawed him in forty pounds," and ordained him "to remain in ward until he made payment, and likewise, to sit down presently upon his knees before them and crave the Bailie's pardon, and further, to be acted for his better behaviour under the pain of losing his libertie, and also, before he be liberat, to find caution of lawborrows to Peter Kinloght, quhom he had formerly injured;" an aggregation of punishment which would probably balance his offences.

THE PACKHOUSE.

The packhouse, for the storage of merchandise, was built by Bailie Symson upon ground reclaimed from the river. The structure, which is of a somewhat ornate character, still remains in good preservation, and indicates, by its capacity and commodiousness, the extent and importance of the harbour traffic at that period. While it was in course of erection, "the Council, considering how useful the packhouse may be to the advancement of their common good, and that it should rather be in the town's hand nor in any private man's hands, ordained that it shall be redeemed from Bailie Symson be payment to him of all such soums as, after the hearing and allowing of his compts, shall be found justly awand to him;" and the clerk "with much pains drew up

1643. SEPT. 4.

the security of the house, ane of the doubles of which" the Provost was instructed to deliver to the Bailie "how soon the haill compts shall be exhibited to auditors appointed to revise them."

The pains taken by the clerk had probably been necessary in connection with the right to the solum of the ground upon which the house stood. The erection, shortly before, of the sea wall called the New Shore in front of the site, had reclaimed from the river the space extending northward to the line of Butcher Row, and this as yet was only partially levelled up. The Council, however, devised a most economic method for making the ground available, by "ordaining the neighbours to send their servants, *per vices* as they shall be charged, to compeir and fill up the waste bounds in the New Shore with slaik" or sleek, and no doubt they sent them, when they were called and the tide served, to lift the soft mud from the river bed for this purpose, without either questioning the order or expecting that the work would be paid for.

1644. JULY 31. While negotiations for the purchase were in progress, "a Committee, of which Bailie Symson was convener, received commission to meet and consult regarding ane table of all dues of every particular commoditie" imported from "Stockholm, Flanders, the Easter Sound, Bordeaux, and England, quhich shall be weighed in the packhouse or in the town's weighhouse, or quhich shall have any benefit" by being stored "in the packhouse or the waste bounds" thereof.

"The auditors appointed to fit Bailie Symson's compts, and report to the Council, so that, being approven, some course may be taken for paying him and redeeming the house to the town's use at Mertimes," found themselves so puzzled that when that term arrived no adjustment had been effected. The Bailie, however, desired the Council to consider "some particular debursements, so that he may be satisfied and have aither money or security for them;" and the auditors were again instructed "to convene the morn to the effect foresaid." But it was of no use, for their efforts to unravel the accounts were still unsuccessful. At last the Council resolved, in order to cut the tangle and have the house "presently redeemed," that he be required "to subscryve his compt upon his credit and conscience;" and this having been done, Archibald Auchenleck was ordained, upon Bailie Symson

his discharge, to deliver him all the money quhilk rests in his hand of the four thousand merks was lately borrowed" in part payment.

1646. Ap. 28. The assault upon the town by Montrose, and other troubles, delayed the settlement for the packhouse. The Council "thocht fit to call before them Andro Watson, the keeper, to give in his compts of all benefit had redounded be the house, so that it may clearly appear quhat will be restand to Bailie Symson, to the effect he may be fully redeemed at this ensuing term." But it was not until the following year, after they "had perused the haill charge and discharge," that they found the sum "of five hundred and twelve pounds to be restand to him, quhilk they thought fit be payed with all convenient diligence; and then the compts were layed up in the kist."

When the building came into possession of the burgh, the Council very judiciously "considering that the packhouse was built for encouragement of the merchants, and to promove and advance trade, and that if any who are or shall be tacksmen of the customs shall be farmers of the house, it may prove ane discouragement to the merchants and ane hinderance to trade, therefore, for removing any doubt in this kind, and for satisfaction of the haill Guildry, enacted that in all time coming it shall not be set in tack to any who are tacksmen of the customs."

MUSTER AND LEVY OF FENCIBLE MEN.

The National Covenant was enthusiastically adopted in Scotland as an almost sacred bond, and, within the burghs at least, it was subscribed with nearly entire unanimity. The copy in Dundee, after the signatures were appended, had been held in great regard, and "the Council thocht fit that the first Covenant[1] with the late shall be layed up in the town's common kist,"[2] amongst the most valued archives. It had been received in puritan England with much favour, and was

[1] This was the bond nationally adopted in 1581.

[2] The clerk was not a sarcastic man, so it must have been by accident that he has entitled this record upon the margin, "Keiping of the Covenant."

now accepted and adopted by the Parliaments of both kingdoms, under the name of the Solemn League and Covenant, as the basis of a treaty for the mutual defence of national religion and liberty, by which, in the general interest, a Scottish army was to enter England and co-operate with the Parliamentary forces against the Royalists. To prepare for this expedition, there was a call for a general muster and equipment. "The Convention of Estates having entered into a Solemn Covenant with the kingdom of England for the defence of the reformed religion," resolved, "for assisting all that accept of the Covenant, and for preserving the liberties of the kingdom and the richt of Parliament, that the kingdom be put into a present posture of defence;" and ordained "that all the fencible persons betwixt sixty and sixteen, of quhatsumever degree, shall provide themselves with forty days' provision—the horsemen armed with pistol, braidsword, and steel cap, and the footmen with musket and sword, and quhair these cannot be had, with Lochaber axes or Jedburgh staffes; and that all be in readiness to mak rendezvous when required."[1]

1643. Oct. 2. "It having come to the knowledge of the Town Council that there are general musters [appointed] throughout the kingdom, and that Friday next is to be muster day of this shire," they ordained that proclamation be made requiring "that all the inhabitants within the burgh presently be in their arms, and mak their muster before the magistrates upon that day at ten hours, under the pains contained in the Acts." In view of the armament and muster, they enacted "that no neighbour nor inhabitant sell any powder, ball, or match to any person quhatsoever, without special warrant, under the pain of one hundred pounds; and that no burgesses tak wages from any one who will desire them, under the pain of losing their libertie." Next day they nominated for each of the four quarters of the town a Captain, a Lieutenant, an Ensign, and three Sergeants, and "warned them to compeir and accept their places efter noon at the Guild Court;" then they instructed "the Bailies, each in his quarter, to tak up the exact roll and number of all the men betwix sixty and sixteen, and begin upon Mononday next—to which day it was thocht fit to continue the musters; intimation thereof being made be tuck of drum."

[1] Act. Par., VI. i. 43.

To stimulate military ardour, and to guard the town from danger, it was resolved to put the burgers to fencible duties, and have "the town watched nightly until it please the Lord to settle the present troubles;" and that there shall be twenty men; "until farder be thocht be the Council. To begin the morn" with those of the "Nethergait quarter, and the haill quarter to go out thereafter, the other quarters to follow."

Orders had before been given that "the ammunition which is kept in the laigh house under the tolbuith, be transported furth down to the windmill." This had not yet been done, but now "in consideration of the incommodiousness of the place quhair the town's magazine of powder and ammunition of all kinds lies, and because the windmill lying near the New Shore is well repaired and made sure for holding of the same, therefore the Council gave full power to the treasurer to cause transport it thither quhen he shall think fit;" and instructed "diligence to be used by him for setting the laigh buith, so that the town may be free of the mail." The windmill, as we have noticed, stood westward from the packhouse, where the lower end of Union Street is now.

1643.
Oct. 10. The muster of the inhabitants in arms did not prove quite satisfactory, and orders were given "that the absents from the weapon shawing yesterday shall be unlawed as follows:—all those of the better sort and ability, three pounds, and the rest of the inferior rank, according to their ability, at the discretion of the magistrates;" who were again instructed "to tak up this week the names, number, and ages of the haill inhabitants, and at the same time to uplift the unlaws of the absents from the weapon shawing;" while Alexander Mylne was sent to the Committee of War for the shire "at Forfar, there to mak the town's excuse for want of diligence in not taking up the
Oct. 24. number of men and arms." An easy method was, however, devised for "the speedy uptaking of the names. The Council met at twa afternoon, and after inspection of the communion rolls, they set down ane roll" with which "some of their number went to Forfar, and there gave up the same." Our burghs have changed much in their constituent parts since those days; a muster roll made up from lists of communicants would hardly be now considered a fair return of the number of fighting men.

When the Committee of War received the roll of fencible men, they gave instructions to the Council to furnish from it a levy of two hundred soldiers for the army that was making ready to enter England. Measures were accordingly taken for uplifting this company, and it was concluded that the designation "shall be first essayed in this manner—that the Guild, Crafts, Maltmen, Squinirmen,[1] Litsters, and Sailors shall be convened in their several societies, and then tried who will freely offer themselves for the expedition. The Crafts to be convened upon Thursday, and the clerk"—who was a man of persuasive words—"to speak them. The Sailors to be convened the morn in the Hospital at two after noon," but no one was named for urging them to take the field. "It was thocht fit that, for the election of officers for the company who are now to go out in this expedition, ane lite of twa shall be presently nominat, and the Guild and Crafts to be acquent therewith, so that, if no objection be made be aither of them to the lite, the election shall be upon Thursday next." On that day the officers were appointed—William Ferguson, merchant, being Captain—and it was ordained that they shall receive "out of the first end of John Goldman his bairns' money to be now borrowed—the Captain, forty dollars, the Lieutenant, twenty dollars, the Handseigne, sixteen dollars, and the two Sergeants, ten dollars each."

1643. Oct. 31. The various bodies had given in lists of those eligible for service, but the men did not readily respond to the call of duty, and it was agreed that "at the beginning of next week the magistrates shall prosecute the uptaking of the names of those who shall mak the company, and for that effect the ministers to be entreated to exhort the people to be forward for this service," and bring them out by beat of "drum ecclesiastic." But volunteers continued backward, and the formation of the levy proceeded slowly.

It having been proposed to take one of the town's ministers as chaplain to the contingent from the shire, the Council desired to prevent it, and resolved "that the morn, after the sermon, they shall all attend the meeting of the Presbytery and there deal effectually that none of the ministers be made choice of to go out in this present expedition, and represent the inconveniences quhich will redound to

[1] This appears to have been a designation of the coopers, but the word is inexplicable.

1643. Dec. 11. the burgh thereby." Moreover, the Provost and Bailies went "to speak with the Viscount of Dudhope," who was in command of the regiment, "anent our pastors, that none of them go out;" and likewise, "that his Lordship would be content that the town shall be oblist to put furth only one hundred and fifty men, baggage men being compted in the number, as also, to crave his Lordship's advice quhat shall be done with those who present warrants from the Committee of Estates to beat drums for taking up men to the expedition"—for they felt it was hard that the town should be pressed to complete the levy of soldiers, while the army officers were carrying off the eligible men. Lord Dudhope did not give them any satisfaction, which, indeed, could hardly have been hoped for while their standing quarrels were yet unsettled, and some of the Bailies then went "to Forfar to attend the meeting of the shire, and remonstrate the inability of the burgh to put forth two hundred men, and represent the best reasons they can for the same." But their expostulations proved to be of no avail—the minister, indeed, was suffered to stay at home, but the orders were that the men must be sent off.

Dec. 26. So the Council, seeing that there was no alternative, set about the business in earnest, and found a way to do it. They instructed "the magistrates to meet at one afternoon, and to require all of the several incorporations who were informers to the upgiving of the rolls for this present expedition," (the crafts, the sailors, and the others who had produced the men upon paper,) "to be attending, and with them the officers of the company and such of the company as shall be thocht fit, and then to go through the town and bring furth every ane designed" on the rolls, "and there to be no interruption till the company be made up." And so the levy was completed. Then Archibald Auchenleck was instructed "to provide for fifteen or sixteen baggage horse at the easiest price he can, and at the most not to exceed fifty merks the piece;" while John Bourden was directed "to receive the cloth to be coats to the sogers, and to give the same to the tayleors." When the men were in their uniform, they no doubt made a brave show, and the Council, desiring that the burgesses should have an opportunity of seeing them upon duty before they went away, "ordained that the town shall be watched upon Wednesday next, or

any other night, be the regiment, or any pairt of them who are going to this expedition."

At last they were equipped and departed, all except David Whyte, a maltman, who somehow broke down and became a failure, and was ordained "to provide, again the morn, ane able and sufficient man for the expedition, weill armed with musket, bandelier, and sword, under the pain of one hundred pounds."

This levy with the contingent from the shire joined the army of General Leslie, which crossed the Tweed on the 19th January and, along with the English Parliamentary forces, in July following, fought and defeated the Royalists on the disastrous field of Long Marston Moor. We do not know anything further regarding the fortunes of the Dundee company in the fight, excepting that its Colonel, Lord Dudhope, was slain. The following year William Ferguson, the Captain, presented a statement to the Council "anent thirty-five swords which he affirmed he gave band for to William Tomsone, commissar, and twenty-one pounds ten shillings quhilk he debursed upon the town's company," and they allowed his claims, and instructed "the treasurer to pay to him the money, and agreed that he shall be relieved of the band be the town aither retiring the same or making payment thereof."

AN EXPEDITION TO THE NORTH.

The Estates of Parliament professed to carry on the Civil War not as rebels, but in a spirit of loyalty, and declared that their motives were misrepresented by "those enemies of truth and peace and of his Majesty's true happiness," who "do not want impudence to aver that our sending an army into England is to lift our arms against our native King, when it is for preserving the peace, and keeping his Majesty's subjects in dutiful obedience to the laws and in Christian unity amongst themselves." In order "to recruit the army sent furth" upon this mission, "and to defend themselves against foreign invasion,"

they resolved that the kingdom shall be again put in a posture of defence, and that all fencible persons shall be called to arms.[1]

1644. Mar. 9. "The Dundee Council, being convened anent some directions from the Committee of War within the shire for ane general muster quhilk they thocht necessary to keep upon Tuesday next, ordained intimation to be presently made be drums, charging all inhabitants to be ready with their arms upon that day under the pain of twenty pounds and losing of their freedom." To make the occasion more impressive, they ordered "that the old magistrates and those that have been employed in public office, shall, at the muster, attend the magistrates with such decent weapons as are used in other burghs." Some of the officers for the previous muster had gone with the levy on the expedition to England, and when William Kyd was nominated to a vacancy, he refused to act. So the Council, "in consideration of his disobedience to accept of the Lieutenant his place of the company of the Seagait, and how dangerous a preparative it is, resolved to continue his censure till a more frequent meeting, and in respect that the place must be provided for the muster, they agreed presently to supply it."

The Marquis of Huntly, having received a commission from the King, gathered a considerable force of the Gordons and others, his adherents, and raised an insurrection in the north to make a diversion in favour of the royal authority. These malignants plundered Aberdeen, and treated its magistrates with great indignity. They then, in a spirit of bravado against the Covenanters, made a raid southward as far as Montrose, set it on fire, and threatened to lay the country waste. The district was beyond the control of the Estates, who had no force in the north able to cope with the rising. They, however, made a show of exercising authority, and imposed a heavy fine upon Sir John Gordon for reaving Aberdeen, but found that they were unable to recover it, "and in regard that messengers may not safely repair to his lands to search for his movable goods, nor to the Mercat Croce of Aberdeen to denunce the same apprysit, nor yet can they repair to him to cite him personally," therefore he had to be attacked at a long range, and they ordained "that he be denunced at the Mercat Croce of

[1] Act. Par., VI. i. 61, 78.

Forfar, or, in case safe access be not had there, at the Mercat Croce of Cupar in Fife."[1]

1644. MAR. 21.

This state of affairs in the north augured ill for the safety of Dundee. "The Council, having received information that the Gordons and their adherents are convened to ane head, and committing great insolencies against those who give obedience to the Acts of the Kirk and Estates of the kingdom, thocht fit that from hencefurth the ports shall be nightly locked and the town nightly watched, and that the haill barresses within the burgh shall be repaired presently in the same manner as they were the time of the late troubles; and, for that effect, the treasurer to cause provide trees and other furniture necessary for the work, and deburse money for the same, quhilk shall be allowed to him according to his compt, and he to be general surveyor of the haill works; and, to the effect that these may be the sooner dispatched, to have others under him to attend and oversee the Nethergait Port and barress, the Overgait barress, the platform upon the Corbie Hill, the Murraygait Port, and the Seagait Port and barress." They also "ordained that the pieces and fowlers be transported from the place quhair they lie to the Croce, and thereafter set quhair shall be thocht fitting;" and that Robert Stirling shall "mak trial of quhat lead is to be sold within the burgh, and mak inventare thereof."

These barresses or barriers, as we have noticed, were stockades of heavy timber placed beyond the gates for an outer line of defence. The Corbie Hill was a rocky eminence inside of the walls on the north of the Overgate, which swept past its base with a wide curve. The platform was a fortified position upon it—the same, no doubt, as that described in 1568, as "the new fort at Robert Mylne's hill." Much reliance appears to have been placed on this point of defence, and a number of guns, probably those denominated pieces and stock-fowlers, were planted upon it so as to effectively command nearly the whole circuit of the walls. In Slezer's view of the town, taken forty years after this time, the platform is represented of a triangular area flanked by low ramparts. Last century there was a windmill erected upon the hill, which then became known as the Windmill brae, and retained

[1] Act. Par., VI. i. 87.

that peaceful designation until in recent times it was all quarried away for paving stones.

The dykes of the headroom or open ground belonging to the houses at the south of Monorgan's croft and at the east of the common meadows, formed a part of the defensive wall of the town. These had become dilapidated, and the Council ordained "that the haill back dykes of the Overgait quarter and the Murraygait quarter be repaired be the heritors with stone and mortar, and that of ane good height and breid, under the immediate pain of twenty pounds and farder of being esteemed enemies of the Kirk and Kingdom; and it was thocht meet that surveyors be appointed to see the dykes sufficiently repaired, and also to oversee the closing up of the passage at the Seagait barress," so that the eastern access to the town should be entirely shut.

For guarding against surprise, it was resolved "that there shall be nightly upon the watch seventy, and in the daytime sixteen, and that these be set to such places as are now condescended upon; that the ordinar hour of convening shall be at five a'clock at night and not to come off till five a'clock in the morning, and until the day watch come on," and that those present on the watch "poynd the absents to the avail of five pounds." A trial was made of an increased number of men for some nights, but afterwards it was agreed, in order "that the watch may be the more easy to the haill inhabitants, especially to the officers, and that the same may be the more carefully overseen, that there shall be only seventy men in the night time and twenty in the day time, who shall go alongs the haill town in order; and, that the burden" may be made still "more easy to the officers, that there be nominat in each quarter twa able and sufficient men to [severally] have the charge every fourth night their quarter shall be on watch, so that the first night the Captain" shall be in charge, "the second, the Lieutenant, and so forth the two others to follow." It was again ordained "that the watch in the night shall not go off till the day watch come on, the hours of conveining to be six a'clock in the night and six a'clock in the morning."

1644. Ap. 9.

To fit the inhabitants for martial duties, the magistrates were instructed "to agree with Captain Anderson to exercise and drill them,

and give his best advice and assistance in all matters shall be fitting for the defence of the town; and to tak him on for twa months, giving him one hundred pounds monthly, and if he shall desire the title of Major he shall have it, but with express provision that it noways give him precedence, place, or power over any of the Captains of the burgh." Captain Anderson was probably a soldier of fortune, who, like Dugald Dalgetty, had fought under Gustavus Adolphus, "the Lion of the North," and this step of promotion, although with restricted authority, would no doubt do him good service in that unquiet time. He endeavoured to improve the system already adopted, and advised "that the order of watching shall continue as it is now presently, but lest there shall happen any sudden alarum and there be confusion, he recommended the Captains of the quarters to nominat and design a number of men for such pairts of the town as they shall conceive to be subject to invasion, so that they may attend the same and not remove from the place designed to them till they get orders."

But measures were being taken for dealing with Huntly's insurrection and establishing the authority of Parliament in the north, by hastily raising an army of Covenanters out of the shires of Fife, Forfar, and Perth; and this was placed under the command of the Marquis of Argyle. The burgh was called upon to contribute a contingent of men toward this force, and the Council ordered "that ane company be presently designed for the expedition to the north, and appointed Archibald Auchenleck to be Captain." The levy was required to start for Kincardineshire at once, and "in respect of the instructions from the shire that the haill sogers, who go to the rendezvous at Luthermoor upon Tuesday, shall have ten days' provision, they therefore ordained that as much money shall be borrowed as will pay every soger six shillings per diem, and to the officers accordingly." So the sum of "eight hundred merks was presently borrowed from Mr. Colin Campbell his relict, to be delivered to the officers and company"—not, however, until they were on their way, which was a wise precaution, for some of them did not go, but hid themselves shamefully, much to the indignation of the Council, who "ordained that all those who were designed to go out in this expedition to the north and hes absented themselves, shall be searched for and aither exemplarily punished in their persons

1644. MAR. 31.

or fined in their estates;" and they nominated two persons for each quarter to "search for them." Some favour had been shown to the town by the Sheriff clerk, probably in helping to hide the absence of the men, and the treasurer was instructed "to give him one hundred merks, in remembrance of his bygone service, out of the first end of the overplus of the eight hundred merks was [borrowed] for the ten days' pay."

1644. Ap. 9. After the levies had gone to the rendezvous, Captain Thomas Scrymgeour, thinking the time to be favourable for making a raid on his own behoof, came to the Council and "desired to have a pairtie of musketeers to assist him to plunder those within the shire who were deficient in sending out their men to this present expedition." But the Council did not like to venture upon making war in such a fashion, and warily, as if they would and would not, "did return this answer, that quhair the Council of War for the shire had any considerable pairtie convened for such service, they should join ane proportionable pairt of their inhabitants with them, as they have hitherto done in all expeditions." But they had doubts about his authorisation, "and yet withal were content if he could deal with any particular men to go along with him, and were willing to dispense with the same." In effect that they might let the Captain have volunteers, but would not themselves participate in the foray which he proposed.

Ap. 23. The burgh was called on to give other assistance to the northern expedition. When Bailie Broun returned "from Parliament, he declared that Bailie Halyburton was nominat to attend the Committee of War that goes alongs with the army, quhairwith the Council, being advised, thocht fit that Bailie Broun shall go to the rendezvous and there represent the prejudice the town should sustain [thereby], and deal for his liberation." After the expedition had started, it came to a stand in consequence of the want of supplies, and a requisition was made to the Council to lend a considerable sum of money to defray the charges. This they proceeded to raise, and in the emergency had to borrow from various sources, amongst others from "James Smyth's bairns, from the relict of Mr. Colin Campbell, and from the Ladie Dunbeine," and succeeded in providing sufficient to enable the army to go forward.

May 14. For this contribution "the clerk produced the Committee of Estates

their Act and band, George Jameson, Provost of Cupar, his receipt therefor, and ane letter of thanks from my Lord Burghly, President of the Committee, quhilk were all put in the little lokkit kist in the Council-house."

In July, the Committee of Estates called upon several of the Dundee burgesses to lend money for other national purposes, and the Council then preferred a claim to have the first loan repaid. In this they showed "that the Committee of the army going for the suppressing of the Northland rebellion, were straited for want of money, without which they could not conveniently advance, and, being confident of our affection for the good cause, did desire us to raise and furnish ane thousand pounds sterling, quhilk we should deliver to George Jameson. So, conform to the quhilk order, we most readily did advance nine thousand six hundred merks. And now, seeing that sundry of our neighbours hes been convened before your Lordships, and are ordained to lend such soums of money as are assigned to them, we beseik your Lordships that we may have payment of the soum advanced by us furth of such moneys as you shall happen to borrow." The Estates "found the foresaid desire reasonable, and ordained the supplicants to have payment forth of the first money to be borrowed for the use of the public from any burgess of Dundee;[1] and this was accordingly done. "The clerk made accompt of his proceedings during his late being in Edinburgh, and in particular concerning that soum of nine thousand six hundred merks advanced be the town to the late northern expedition under the conduct of the Marquis of Argyle, General; and how he had obtained band from particular persons, inhabitants of this burgh, quhilk will complete the foresaid soum." 1644. JULY 14.

The army, having suppressed Huntly's insurrection, returned south by way of Dundee, and the Council instructed the magistrates to arrange "how the regiments that shall come throw the town from the northern expedition shall be quartered." This force was afterwards placed under the command of General Baillie, and, the contingent from the burgh still forming a part of it, the Council, with paternal regard for the welfare of their townsmen, "thocht fit that ane letter be written to Lieutenant General Baillie to recommend to his favour and

[1] Act. Par., V. 138.

care their company quhich is in this expedition, and that he will use them favourably. Also, ane letter to the Captain, showing their pleasure concerning the carrying of the colours"—about which there had apparently been some disagreement.

1644. JUNE 11. When the town was relieved from the dread of an attack, the Council resolved to relax their constant ward. "In respect that the happy success of our army at their late expedition hes pacified the north, and that there is now no such necessity of daily watch, nor that ane haill quarter be upon the watch nightly—but withal finding it necessary to watch the town at night," they therefore concluded "that threttie men shall convene at eight hours at even under the pain of ten pounds, and for that effect the Captains shall divide the quarters in thretties, and nominate the most able man of that number to be commander, who shall see ports lokkit" at the on-going, "and opened at the off-coming of the watch, and the men during the night time to be going along the haill town for preventing disorder." They, however, did not act wisely in resolving to relax their vigilance, for the north was not pacified, neither was the south, and there had yet to come a long season of civil discord and of bloody strife.

THE MARQUIS OF MONTROSE AND THE TOWN.

While the country was in an unguarded state through the employment of the army in England, the King gave the Marquis of Montrose —who had previously separated himself from the Covenanters—a commission to enter Scotland and raise a force for making war on his behalf. In disguise, and almost by himself, Montrose found his way to the north, and soon gathered round him some of the Highland chiefs with their clans, as also a wild Irish levy which had come over to fight against the Presbyterians, mainly out of ill-will to the Marquis of Argyle. With this force he descended into Strathearn, encountering no opposition until at Tippermuir he was met by a hastily raised body of Covenanters, but they, undisciplined and ill-armed, were unable to

stand the impetuous attack of his Highlanders, and soon fled in disorder, suffering great slaughter. The Perth burgesses, who first learned the disaster by the arrival of fugitives "bursten with running and hiding in cellars for fear," did not attempt to withstand the ferocious enemy, but quietly surrendered their town, and paid the heavy exactions which were made upon them as best they could. After a few days stay in Perth, Montrose led the victorious clans, harrying the country as they went,[1] along the great east road, and they encamped the first night under the shadow of Dunsinnan. Next day, September 6th, he 1644.
made a sudden detour to the right, "and marched with his forces to Dundee, but that town, confident of its strength from the number of its inhabitants, and having besides got an addition of troops from Fife, refused to surrender. He thought it would be imprudent to hazard the reputation he had acquired by his late victory upon the doubtful success of a siege, and therefore turned aside and directed his march toward the river Esk."[2]

The circumstances which induced Montrose to abandon his contemplated attack upon the town, are narrated by Alexander, Master of Spynie, one of his adherents, who says, "The Earl seeing Mr Peter Wedderburn[3] and Mr John Fletcher, advocates, in the fields, sent me to bring them to speak with him; and when they were come, the Earl inquired of them the affection of the townspeople, and strength of the

[1] "Lord Coupar did sustean great loss in the spolyeing of his house, in Coupar in Angus, by the Highlanders of James Graham's army plundering his haill plenishing and guids, which they disponed throw the country at ane verie cheap rate. Among the guids so spoilzed there was ane great aquavyte pot, worth ane hundred merks, quhilk was bought fra the rebels be Robert Hill in Dryburgh, and James Lawson, merchant in Dundee. Albeit Lord Coupar oft and diverse times requirit them to restore him the great pot, or price thereof, they posponed to do so without they were compellit. Being summoned" before a Committee of the Estates in 1649, "Hill compeired and gave his oath of veritie to clear himself, but Lawson sent William Yeaman, wryttar, in his name, with ane testificat, subscryvit be the ministers of Dundee, of his inability to travel in respect of great weakness. The Estates then gave authority to the Bailies of Dundee to tak his oath of veritie in the matter, and to cause him to subscryve the same with his hand if he can write."—Act. Par., VI. ii. 338. It does not appear that Lord Coupar obtained restitution either of his great pot or of the price thereof.

[2] Wishart's Memoirs of Montrose, 85.

[3] This had been the town clerk's brother, afterwards Sir Peter Wedderburn of Gosford, Senator of the College of Justice.

town of Dundee; and they answered the Earl that the townspeople were, for the most part, disaffectionate to the Earl, and that they had taken a covenant to stand to their defence to the last man; and that the town was made very strong, and that ordinances were planted in diverse places, especially upon Corbie Hill. Immediately after that discourse, the Earl of Montrose convened a council of war, where I was present; where, in respect of the foresaid discourse, it was concluded that the town should not be stormed, but that they should pass by the the town."[1] The narrative contained in the Decree of Forfeiture against Montrose, says that he and his abettors "went in hostile manner and battle array to the Carse of Gowrie, and approached to the town of Dundee, and set down their camp about the back of the Dundee Law, being within a mile of the town or thereabout, and most proudlie, insolentlie, and traitorouslie summondit the town to render; and being repulsed, took their journey throw Angus" on to Aberdeen, and having taken it by assault, they plundered its inhabitants and committed dreadful atrocities. They returned south about a month later, and then made another approach "upon the burgh of Dundee, and sent a pairtie of their Irish rebellious army to it, and wilfullie and treasonablie raised wilful fire in the suburbs thereof called the Bonnet Raw,"[2] otherwise the Rotten Row, where the roofs being mostly of thatch, fire raising would be easily effected. The damage then done does not, however, appear to have been serious.

No doubt it was the watchfulness of the burgers in guarding the town which saved it on these occasions from assault. The auxiliary troops from Fife had probably been some of those that ran away at Tippermuir, and they would in consequence be demoralised, and of little account in fighting against the Highlanders; although they seem to have otherwise been effective enough, as three weeks after they
1644 Oct. 1. came the Council had to give "the Laird of Tealing three hundred pounds for fifty bolls meal to those of Lawe's regiment," besides borrowing one thousand merks for their pay. When orders were subsequently given to place another Fife regiment in the town, the Council became alarmed at the prospective cost, and tried "to deal

[1] MS. in Montrose charter room.—Mark Napier's Memoirs of the Marquis, II. 448.

[2] Act. Par., VI. i. 318.

with the Committee of Estates for relief of the charges they will be at for quartering the regiment of the Earl of Crawford Lindsay," an effort which, however, was without effect.

At the call of the Committee, they advanced "four thousand merks to be employed for the Marquis of Argyle his use," to forward him in the pursuit of his great and hated enemy, Montrose. To see after the repayment of this sum, and "to fit the compts debursed in this time of trouble," they sent the clerk to Edinburgh, and he made an arrangement regarding security for them. On his return "he reported anent the matter, and reproduced all the bands, acts, and warrants delivered to him, quhilk were imput in the little kist, quhairwith the Council were pleased."

When the danger of assault was imminent, they had appointed a soldier to the command of the town; but, when they knew that Lord Crawford Lindsay's regiment was coming, and that Montrose was at some distance, they "thocht fit that Lieutenant Colonel Inglis shall not continue longer in his charge nor this month," and, in order "that he shall have satisfaction for his bygone service at the easiest and most reasonable rate, gave commission to the magistrates to treat with him the best way they can;" who then arranged "that he shall presently have four hundred merks for his service." On the arrival of the new troops, there was "ane letter produced be Captain Wemyss from the Earl of Crawford Lindsay, quhairin his Lordship desired that his Lieutenant Colonel may have the sole order and command in the town during the remaining of his Lordship's regiment. Quhairwith the Council being advised," they, unwilling to subject themselves to military rule, "condescended that the Lieutenant Colonel shall be dealt with to sattle upon certain conditions, and if these be not [agreed to,] then the Earl shall be written to condescend to the same." The points in dispute were, however, satisfactorily arranged, and it was thereafter concluded "that the regiment shall be quartered according to the rolls given in be the magistrates and Lieutenant Colonel Muffet; and, that this order may be punctually put in execution," the magistrates were instructed "to see the same perfected."

1644. Nov. 19.

At the time the enemy was at their gates, some of the inhabitants behaved very undutifully by running away and leaving the burden

1644. Nov. 19. of the defence upon their neighbours. Measures were now taken for chastising these unworthy burgesses. "Ane missive letter was ordained to be written to the town of St. Andrews, for Robert Lundie that he may be returned to abide his censure for removing himself when Montrose and his adherents came against the burgh." This letter did not, however, cause the return of the fugitive, but a practicable method was devised for dealing with him in his absence. The Council learned that John Denmuir, a notary with whose sharp practices they were not unacquainted, had in his possession "ane band of umquhile John Peirson in favour of Robert Lundie, for the soum of three hundred merks principal, with some lying annual-rents," and they, looking upon this as a proper source for a fine, discharged him from parting with it; notwithstanding which injunction, "he delivered the band to Robert Lundie his sister." For this contempt they immediately put the notary into ward, and "ordained him to remain there until he produced the band." An incarceration of three weeks sufficed for persuading him to make it forthcoming, and then they proceeded to execute judgment, according to the available assets, by "unlawing Robert Lundie, for his deserting the town, contrair his ayth and covenant, in the soum of three hundred merks, and ordaining the same to be uplifted quhairever it can be understood there is any money awand to him." Nothing is said about the lying interest, which would probably be appropriated to the cost of keeping Denmuir in prison.

Some others who also fled in the time of danger, and afterwards returned and made submission, were subjected to lesser penalties. James and George Wighton were each "unlawed in the soum of one hundred merks, to be payed presently;" but Alexander Bowar of Bomerichtie, who occupied a good position, and had been reckoned a discreet burgess, "for his deserting the town when Montrose and the Irish rebels came against the same," was fined in the sum of four hundred merks.

Dec. 10. After a time the regular troops were withdrawn, and the Council, "in consideration of the great prejudice the town sustains throw the defect of able sergeants, resolved that three from the army shall be continued in their service, and that they shall have yearly for their fee ilk ane of them forty merks and ane stand of clothes, and that

there shall be other two able men looked for, and they to have the like conditions." It was resolved that "the half of [those in] each quarter shall be nightly upon the watch, except the Seagait quarter, quhich, quhen their turn shall fall, shall be altogidder upon the watch;" and the magistrates "themselves undertook to see the watch every night set, and to have the absents condignly punished."

When Montrose and his savage horde were carrying on predatory warfare against the King's enemies in the remote country beyond the Grampians, and had given to the south a short breathing space from dire alarm, the Dundee burgers felt that while he was thus far off they might relax their watch; and yet, "considering the great prejudice the town may sustain be neglect, they resolved that during the time of the enemies' distance, it shall be watched be thirty men, and the rolls to be revised and casten in thirty for that effect, and one of the best quality of that number to command the rest; and all the inhabitants, of quhat quality soever, to compeir quhen it shall fall them, or otherways send sufficient men, furnished with arms and ammunition, and this under the pain to be esteemed as enemies to the Kirk and Kingdom. With power to him who commands to uplift for his awn use the unlaws formerly enjoined." It was, however, judged proper that a trained soldier should "have charge in the town, and Major Ramsay was appointed for twa months." A company of volunteers was formed for special service, and they were supplied with arms at the public cost. The treasurer reported "that John Scrymgeour, merchant, had offered him two hundred swords," and that he had given "him commission to bring them for the town's use;" so he "was instructed to receive that number and to satisfy therefor;" and shortly afterwards, "Alexander Edwart was ordained to convene his company, and to receive their arms and deliver the same." 1645. JAN. 21.

The maltmen, upon whom the immediate burden of quartering the troops had fallen, not having received payment of the allowance which they claimed, behaved themselves in a very unbecoming and riotous manner. "The Council, taking to consideration the tumultuous convening of the maltmen with their swords, and the great affront done to the magistrates thereby, concluded that search shall be made for the instruments and fomenters thereof, and they to be condignly JAN. 28.

punished." And with regard to their claims, a ready method was devised for balancing them. The excise duties, which had been recently imposed, were difficult to collect from the maltmen, and remained much in arrears, so it was ordained, as "the fittest way of prosecuting the uplifting of the same, that all that are liable in payment, shall be required be the drum to present their compts of quartering of sogers since the feast of Lambes last;" with the result, no doubt, that the maltmen would then rather defer the presentation of these claims than have them confronted by a heavy charge for their own unliquidated taxes.

It having been determined "to prosecute the fortifications of the town, and that ane voluntar contribution shall be demanded from all inhabitants, the Council resolved to begin this themselves, and they elected David Wright to be receiver. Alexander Lindsey was appointed clerk to the work, to have charge of the materials, and to keep the compt and note of all men who work thereat." Regarding the plans, it was at first agreed that the works, "already begun and grounded, shall be prosecute and perfected be the advice of the magistrates;" and in order to clear the way for them, "that William Long, cordiner, his house, shall be taken down and the stanes applied to the building of the dyke, and he to have ane hundred pounds therefor;" but it was found necessary to have a practical man in charge, and the Council desired John Mylne, master mason—who had been erecting the turnpike upon the steeple—"to remain in town to attend the common works, and promised to acknowledge him for his pains." Under his direction an alteration was designed in the character of the defences, and it was resolved not only "that the work already founded be perfected," but also "that the fortifications shall be prosecute to the westward be casting ane ditch close alongs the dykes lying to the south of the town's lead, and for casting the ditch that the bounds be divided according to the number of the inhabitants of the four quarters"—so that the work of digging it should come equally upon all. "And power was given to John Mylne to oversee the same, and to tak order with the clouse, and he to have, during his attendance at the town's works, eight merks weekly." The line of this ditch would be where South Ward Road is now, and where the town's lade still runs. The clouse,

1644. Nov. 19.

or sluice, which commanded the supply of water, was at the dam westward in the valley where Brown Street crosses.

1645. MAR. 18. The plan which John Mylne was carrying out did not, however, meet with general approval, and "ane petition was presented be several inhabitants concerning the ditches, quhairof the tenor follows:—

> "To your worships humblie means and shaws we for ourselves, and in name and behalf of many other weill affected neighbours within the burgh—

That quhair we are informed your worships, upon information of some men of knowledge and judgement, did resolve that the ditch be casten alongs the lead running to the northward of Argylesgait, yet we, for ourselves and in name foresaid, being most confident that your worships' resolution was grounded upon" there being a "want of faill[1] and other materials to answer the fortifications already founded, out of our zeal to the public service, and particular affection to the burgh, hes resolved upon our moyen and expenses to cast the ditch according to the line and draught done be Henry Young, engineer,[2] quhich, we conceive, will be the most behoveful to the town, and speedily effectuat. Quhairfor we entreat that our good intentions may be taken in good pairt, and our resolutions countenanced and have your worships' concurrence, and that present course" may be taken "with all heritors who will be entrest."[3]

"The Council, for answer to the petition, granted the desire thereof upon condition that the work shall be prosecuted upon the particular expenses of the [petitioners] and their adherents, and resolved that they will tak course to satisfie all heritors who may be entrest." So it was "thocht fit that the casting of the ditch shall be prosecute" in the manner proposed, "and, lest the work should be delayed, it was ordained that four of every quarter shall be appointed to collect the money of all hes promised to contribute; and that these shall give up the names of such as hes not as yet promised to the magistrates, who shall interpone their authority for that effect. And, for prosecuting

AP. 1.

[1] Turf. [2] Henry Young was a skilful engineer. In the following December he received from the Estates the rank of Captain in the army for his services in fortifying Dumbarton Castle.—Act. Par., VI. i. 491. [3] Interested.

the work, it was ordained that the nearest old houses and ruinous shall be presently demolished, and workmen entered to carry" the materials to the building.

Three days after this, and before much progress could have been made in cutting the ditch or strengthening the wall, their great enemy came to "cry havoc! and let slip the dogs of war" upon the burgers of Dundee. Montrose had not forgotten the repulses he met with the previous autumn. Elsewhere he had led his wild forces in an impetuous career of victory which had almost re-established the royal authority in Scotland, and he could not brook to be baffled by what his friend Dr. Wishart calls "a most seditious place, which was a faithful receptacle to the rebels in these parts, [and had] contributed as much as any other town in the kingdom to carry on the rebellion." So, seizing an opportune time when the regular troops had left, and it "was kept by no other garrison than the inhabitants," he, with the most agile of his barbarous host, made a sudden and unexpected swoop upon it from out of the upper valley of the Tay, and "by ten o'clock in the morning summoned the townsmen, if they consulted their own safety and that of the town, to surrender; but, if they refused, he threatened them with fire and sword. They spent some time without returning any answer, and at last they put the trumpeter in prison. Montrose, highly provoked with this affront, stormed the town in three different quarters at once. The townsmen endeavoured for some time to oppose them; but the Irishmen and the Highlanders made their assault with such fury, that they quickly drove them from their stations, and, making themselves masters of their cannon, turned them against the town. At the same time some of them broke open the gates, and took possession of the church and the market place, while others set the town on fire in several places; and had not the common men, by an unseasonable greed of plunder and desire of strong liquors, immediately fallen to pillage and drink, this opulent town had undoubtedly been soon burned to the ground."[1] John Gordon, the trumpeter who carried the summons, and who was found in the tolbooth after the enemy had gone, was examined before the Committee of Estates, ten days subsequently, and "deponed that when he was lying with the

[1] Wishart's Memoirs of Montrose, 121.

rest of Lord Gordon's regiment about Dundee, Montrose came to him, being half sleeping, and said, 'John, you must go in with this paper' (which was folded) 'to the magistrates of Dundee;' and with boastings forced him to do the same." But he did not "know what was in the paper. The magistrates promised to give him an answer; and before they could get the same written, Montrose set upon the town, whereupon he was committed to the tolbooth."[1]

The impetuous assailants had doubtless made the main assault at the north side of the Corbie Hill, where the works in progress for cutting the ditch had left the line of defence weak; and it was probably at this place, after "James Read's dyke had been cassen down," that entrance was first effected. The rush of the Highlanders up the hill and the capture of the fortified platform upon it, would virtually give them possession of the town, for the guns on that eminence could be easily turned to command the western gates and the principal streets. The scene which followed had been barbarous and bloody. Wishart says that Montrose beheld it, "standing upon the hill which overlooks the town"—the Corbie Hill, no doubt—and there the valiant cavalier, "that great and goodly man," sated his eyes watching how effectively his followers "swept Dundee." The near approach of General Baillie gave him, however, only one day's carnival of pillage and burning and carnage. When he stormed Aberdeen, Spalding relates, among other similar instances of how his soldiers did their work, that "these cruel Irishes seeing a man well clad, would first tyr him and save the clothes unspoiled, then kill the man," and Dr. Hill Burton says that "the outline of the doings of his little savage army [in Dundee] makes it not uncharitable to suspect that had a minute chronicler like Spalding been present, he might have given even a drearier picture of pillage and cruelty than the sack of Aberdeen."[2]

We obtain a glimpse of the desolated town in a supplication presented by the burgesses to Parliament the following December, which pleads very pitifully:—"That quhair the constant tenor of our unbrangled[3] affection to the good cause is well known to the whole

[1] Mark Napier's Memoirs of Montrose, II. 496. The author leads us to infer that the trumpeter was put to death.

[2] Hist. of Scot., VI. 370.

[3] Unshaken.

kingdom, and hath many times made us the object of the fury of the unnatural rebels, we, groaning under the sense of unsupportable losses, are bold to unfold the samen to your Lordships, and to beg from you, the only physicians, some cure for preservatiòn of this considerable member of the commonwealth from destruction. It is well known that since the unfortunate encounter at Tippermuir, amongst the traitorous designs of the enemies of this kingdom, the town of Dundee hath been specially aimed at as being ane place of great concernment, and diverse assaults made thereupon; but, God giving resolution, courage, and success to the inhabitants, the enemies were still repulsed," until this last occasion, "quhairupon hath followed not only the slaughter of many, but also a great pairt of the biggings of the town with much corns and movables hath been burnt, and that town, which was ane of the chief of the kingdom, is fearfully defaced and disabled to undergo the public service, so that we are ready to sink under the weight of these intolerable burdens, and, without supply, are likely to decay and perish from the commonwealth." The Committee to which this supplication was referred, found that the value of "the burnt and otherways tane away be the rebels, extended to the soum of one hundred and sixty-two thousand two hundred and twenty-one pounds."[1]

1645. Ap. 12. While the town lay smoking in ruins, the laird of Monksholm and the clerk went to the Committee with the army to represent its deplorable condition, and it was then "thocht fit that they both should go to Edinburgh, along with the parson, who at their desire undertook to go, and prosecute the town's losses." Upon returning, they "made report of their proceedings anent what was intrusted to them, and, for instructing their diligence, produced ane Act of the Committee of Estates recommending ane voluntary contribution to be throw the haill kingdom for the brunt lands and losses occasioned be the late assault of the rebels"—a recommendation which, however, appears to have produced no substantial result. At the meeting of Estates in July, the clerk pressed the condition of the burgh upon their attention, and they, "taking in consideration the prejudices and sufferings of the town of Dundee, declared that they were very sensible of the inhabitants' deservings, and would have ane special care of the same for

[1] Act. Par., VI. i. 519.

redress thereof, and encouragement of them to go on in their former carriage for the preservation of their own town and good of the public."[1]

When the Estates met the following January at St. Andrews, after consideration, they agreed "that the soum of twenty-six thousand five hundred and sixteen pounds, which was lent to them be the town, and the soum of thirty thousand nine hundred and sixty-four pounds, due for the quartering of sogers, shall be paid out of the first of the excise collected in the town; but that the payment of the thirty-five thousand and eighty pounds debursed upon the fortifications," would be considered at some later time. And as for "the destruction caused by the rebels, in respect of the many poor people in Dundee, they ordained that the soum of twenty thousand pounds be payed the magistrates for those they shall find most needful;" and instructed the Committee "to tak some effectual course for payment of this money."[2] On the return of the clerk from this meeting, "he made report of how he did follow the employment intrusted to him concerning the losses and uthers addebted be the public to the town, and did produce the Act for" payment of "the silver wark, quartering, and losses sustained be the town quhen the rebels did assault it. With the quhilk report the Council were weill satisfied, and promised that his extraordinar pains should be taken in consideration." 1646. Feb. 15.

After the lapse of some months an instalment of the money voted by Parliament reached the town, and the Council, "in consideration of the condition of a great number of poor people who had their lands brunt at the assaulting be the cruel and bloodie rebels, resolved to distribute the soum of ane thousand cross dollars, and to give to every one according to [one for] the hundred, and for that effect gave power to the magistrates to revise the valuations of the brunt lands, and to distribute accordingly." When this distribution was made, Bailie Symson showed "that there was yet restand in his hands seven hundred and forty-two pounds;" and "the compt of the money given out to the poor for the losses, was laid up in the kist."

No further portion of the special grant appears to have been received. In March 1647, the Estates resolved to allow "twenty

[1] Act. Par., VI. i. 433. [2] Ibid., VI. i. 579.

thousand pounds sterling to the royal burrows for reparation of their losses be sea and land," and, the Dundee Council having petitioned for a share, "they ordained the supplicants to have their pairt according to the proportion of their losses;" and "recommended their desires anent the payment of borrowed money to be tane in consideration."[1] But the Estates, with the best intentions, were unable either to satisfy these claims, or to accomplish their own proposals, for all the money which could be raised was required for national exigencies. When the clerk returned and made report of the public business, "he produced ane Act regarding quarterings, ane Act for twenty thousand pounds for subsistence of poor people, ane Act recommending their losses to the Committee of Estates, and also the commission for trying the town's losses, and" the documents "were all put in the lokkit kist" without any expression of satisfaction, for they had been reckoned of little value to the common good.

1647. Ap. 6.

1649. Jan. 9.

Two years later, certain of the owners of "the brunt lands" went before Parliament and themselves presented their claims for relief. The Provost wrote to the representative of the town, desiring him "to compeir with the supplicants and present their petition;" and sent "the Act made at St. Andrews in their favour, to be presentit for their fortherance." But this appeal was without result, and no additional help reached those distressed burgesses, who, in that time of general trouble, had to realise the loss, and bear their own burdens. Richard Anderson's tenement of land in the Nethergate, which was described as "now almost waste bounds, lately brunt be the Irish rebels," was sold to the Hospital for seventy-four pounds ten shillings.

When General Baillie set off in pursuit of Montrose, he appears to have left a troop of horse in Dundee under the command of Major Mungo Murray. Other auxiliaries were, however, needed to render the town secure, and "ane letter was written to the Committee of Fife for nine hundred commanded men, during whose abode the Lieutenant Colonel Wemyss and Major Cockburn would stay here." It was provided that these Fife men should "each receive two pecks of meal" weekly, and "for the effect that when they come to the town none be destitute of quarters, the Bailies were appointed to meet after the

1645. May 12.

[1] Act. Par., VI. i. 804.

dissolving of the Council," and make arrangements for them. "A thousand weight of powder at the soum of ane thousand merks, was bargained for with Robert Whytt of Kirkcaldy," who "was also written to for some match."

The work of fortifying the town, which was in progress when the assault took place, was immediately afterwards resumed and prosecuted with vigour. Within a week, the Council "concluded that, according to the Act of the Committee of Estates, the adjacent paroches shall be required to come in and work at our ditch"—which seems to have been rather hard upon their landward neighbours. They expected that Parliament would defray the cost of re-edifying the wall, and care was taken to check the work done and the disbursements made. It was resolved that "compts be given of the intromission of all the money appointed to be employed for the fortifications, and extract made forth thereof of all sums paid to the masons, and their receipts compared therewith, and their work to be mett,[1] so that the compts may be balanced. The metting was appointed" to be done "after the preaching," at the time that the masons would be absent. 1645. MAY 5.

The Council having agreed to carry the wall in a new line eastward from the Murraygate Port, some buildings which stood in the Cowgate were found to be so close to it that they might afford protection to assailants, so it was resolved "that those houses which are without the fortifications already intended shall be demolished;" and the Dean of Guild and the clerk "were nominat to go to Edinburgh to the Committee of Estates and procure their warrant and Act for that effect." But without waiting for this authorisation—which came a few weeks later, when "the fortifeing of the burgh was approven"—the Council, "in consideration of the great prejudice the town may sustean if those houses shall be suffered to stand quhich are near by the wall lying in the Cowgait, concludit that the same shall be demolished, and the heritors satisfied out of the first end of any contribution granted for the brunt lands."

These objectionable buildings had not been all taken down at this time, for when the town was being prepared to withstand the attack of Monk, a number "in the Wallgait, Cowgait, and without the Seagait

[1] Measured.

Port" were still standing. It does not appear that the owners of those which were demolished received much satisfaction for them. In 1649, David Gourlay, maltman, supplicated Parliament "to ordain the magistrates of Dundee to pay him the soum of ane thousand merks, as the valued worth of ane tenement of land casten down be them in the time of the fortification of the town. Having heard both parties, the Estates ordained the magistrates to mak payment to Gourlay out of the readiest moneys that beis received be them fra the public for fortifeing of their town, and, in the mean time, to relieve him of all payment of excise until May 1650; taking care that he do not mak any further use of his allowance but only for what he shall brew himself."[1] As the public made no payment for fortifying the town, the poor man had received but little satisfaction when the period of his free brewing expired. But the Council then granted a further relief, by ordaining "David Gourlay to have the excise of ane lead of malt oulklie during the space of ane year next heirefter, and this for obedience of the Lords Bromhall, Heartrie, and Foord their earnest desire;" which appears to have been all that he got for his house.

1650. JUNE 11.

1645. MAY 23.

The Dean and the clerk brought from Edinburgh "ane order of the Committee of Estates for eight pieces of ordinance to be transported from Inchgarvie hither, with their furniture, and ane order for one thousand weight of powder, and twa thousand weight of match, and twa hundred cannon ball; and they declared that they had conditioned with Captain William Ramsay and John Broun, skipper in Leith, to transport the ordinance, to tak them down and be at the haill charges, for six hundred merks to be given upon demand, quhilk was approven." But, after "the eight pieces were received, a letter was produced from Captain Ramsay" showing "the charges for transportation, with the carrying down and all other charges belonging thereto, and the same were found to extend to the soum of six hundred pounds, quhich, with eleven hundred merks for payment of Major Mungo Murray, was ordered to be borrowed from Elspet Person, and band subscryvit for the same."

And now there came another alarm of the enemy being at hand. The Earl of Crawford Lindsay, with a body of trained soldiers sent

[1] Act. Par., VI. ii. 483.

from the army in England, was at this time stationed at Newtyle, and Montrose, thinking to "tame the Lindsay's pride" by dealing him an unlooked-for blow, and then to complete the work of overthrowing the town, which he had left unfinished, led his Highlanders out of Aberdeenshire by Braemar and Glenisla, and reached Airlie in front of the Grampians before any intelligence had arrived of his movements. 1645. Crawford Lindsay, judging that this raid augured ill for Dundee, lost May 31. no time in dispatching "ane missive letter to the burgh giving advertisement of the rebels return to Stratherle," and the Council immediately "convened, along with the Captains of the quarters, and concluded that the town shall be put in ane posture of defence." Some of the stockades remained broken down, and instructions were given "that material be provided for putting the barresses up presently." The new guns had been placed in position, and it was resolved "that James Ramsay, mariner, be employed in the chief charge of the artillery, and that he shall mak choice of cannoneers for every post quhair any ordinance are placed, and see furniture delivered to each man, and be answerable for" all performing their duties. And it was "thocht fit that those posts formerly planted the time of the late assault of the rebels, shall as yet be provided; and for this effect, that the haill town be required presently to be in readiness to compeir the morrow with their arms at six a'clock in the common sepulchre."

These preparations for the enemy were, however, unnecessary; the clans would not then follow Montrose into the south, but deserted in a body and returned to their native hills, leaving the great Marquis for the time almost alone. Their retreat seems inexplicable, and it puzzled Wishart, for they were not likely to have been frightened at Crawford Lindsay's veterans; but an explanation of it may be found in the fact that the plague had just appeared in Strathmore, and "was spotting in Meigle;" and we may infer that it had been because this terrible outpost lay in the valley between them and their prey, that they went no farther. The Highlanders had great dread of the pest, and shortly after this they would not enter Edinburgh in consequence of its presence there.

The regular troops were the cause of much trouble to the burgesses. June 16. "The Council resolved as the fittest way for securing the town, that

Colonel Lyell shall be dealt with to lie as near as may be according to his orders, and in the meantime that ane letter be sent to the Earl of Crawford Lindsay to desire that those of Lowthain's regiment may be removed, and that Lyell's regiment may stay some days;" and, for that effect, "the commissar was ordered to provide the men's entertainment." The Earl agreed to the proposal, and when "Colonel Lyell his regiment had come, quhairby the town's people were eased of their ordinary watch," it was resolved "that Major Ramsay be dispensed with, and have ane free pass; and some were nominate to meet with him and try quhat he shall have for his bygane service." The Major had commanded the burgers for a longer time than any of his predecessors, who, as we have seen, usually obtained their free passes after a very short tenure of office. The new auxiliaries proved to be as undesirable as those who had gone. "The Council, taking to consideration the great disorder that occurred yesternight betwix some of the burgesses and some of Colonel Lyell's regiment, resolved that all possible means be used for trying and finding out the beginners thereof, who, being found, shall be exemplarly punished, and that ane solid course be sattled, be the advice of the Colonel and his officers, how such inconveniences may be prevented." When this contingent had left, the next, Colonel Mylne's regiment, was received as only a lesser evil than the enemy; orders were indeed given to provide the men with quarters, but the magistrates "were instructed to settle with the Colonel upon such particular conditions as may conduce to their good order and quiet, without prejudice of the town's rights and privileges."

1645. July 1.

Notwithstanding the defeat of Montrose at Philiphaugh by the experienced troops of David Leslie, he resumed his enterprise against the Covenanters with indomitable energy, and repeatedly caused unquiet times to the burgesses of Dundee. At the next alarm the new defences were yet incomplete, and it was ordained "that the town shall be brocht forth to work at the west graff;[1] and that the Guildry shall be begun the morrow—advertisement to be given be drum—and that the next day the craftsmen shall be required to come." For watching the town, it was resolved "that the quarters shall be divided in four rolls, and ane sufficient and able man appointed to have charge

Oct. 28.

[1] Ditch.

over each, and these to be corded[1] as the Bailies shall enjoin." Again, some months later, when there appeared to be imminent danger, it was "thocht necessar that the town be presently put in ane posture of defence and watched nightly according to the former order; and that the Captains plant such posts as were supplied formerly, and provide ane commander at every post."

Some unworthy townsmen had been trafficking with the Royalists. "Thomas Watson, be his confession, was found guilty of a breach of the statutes and proclamations, be the selling of ane quarter weight of powder to those who furnish the enemy, and therefore, and in respect of his miscarriage in the Council, was ordained to remain in ward until he paid two hundred merks;" and James Smyth was also "found guilty in respect of his conneiving with the enemies, but his censure was continued till the next Council day."

1646. MAR. 16. The ditch at the west, as designed by Henry Young, having been perfected, the Council resolved to make another outside the new line of wall at the east, and "ordained that this graff shall be wrocht at with all diligence, and that intimation be made upon Sunday next to require the inhabitants to come and work there;" in the meantime "the General Major and Colonel Mylne their advice shall be taken quhair they shall brak ground." They did not, however, follow the counsels of their military advisers without the exercise of their own judgment, for they instructed two of their number, "the morrow before the Council meet at nine a'clock, to stake the lines round to the Port for the fortifications and ditches without the dyke, till forder[2] consideration;" and, when the direction was agreed on, ordained them "to follow and prosecute the work with the advice of the Council." "The house and yaird of William Lownie, cordiner, lying without the Murraygait Port barress," were in the line of operations, and had to be demolished, but it was agreed "to pay William one hundred merks in pairt of satisfaction of his richt." As the work proceeded, the Council, "in consideration of the necessity of casting the ditch alongs the east end of the town, ordained intimation to be made be the drum, that all the inhabitants come and work; and such as shall not come furth after they are required, to pay six shillings *toties quoties*."

[1] Combined. [2] "To further."

But the alarms of invasion were for the present over, and the burgesses found that they might relax their vigilance. King Charles, having abandoned all hope of military success, had placed himself under the protection of the Scottish Parliamentary army, and sent instructions to Montrose to disband his forces and withdraw himself from the country. This he unwillingly did, and there then followed a short period of comparative peace and quiet.

THE APPROACH OF ANOTHER ENEMY.

There was, however, another and even more dreaded enemy than the great Marquis at this time ravaging the land, against whom the Scottish burghs were striving to close their gates. During the spring of 1645, the plague came out of the south and spread over the country, and where there was not consternation at its presence there was

1645. June 10. apprehension of its approach. To keep the infection beyond Tay, the Dundee Council appointed some of their number "to attend week about at the water side, and suffer none to cross hither except they be particularly warranted be sufficient testimonials." But there came rumours of pestilence in the north as well as in the south, and "taking consideration that it is now spotting in Meigle, as also daily increasing in Leith, Edinburgh, and other places adjacent thereto, they ordained that there shall only be two ports keiped open, and those guarded be the inhabitants; and that the Bailies shall meet after noon and set down their rolls for that effect;" and for farther "securing the passage be water, that some go to Fife and cause transport all boats and yolls in Fife."

Sept. 30. The pest approached very slowly. Three months later, they found "that it has spread through several pairts and burghs of Fife, and therefore, lest any prejudice shall befall the burgh, they discharged any passage at all be water, and ordained that no boats cross, and for

securing this, appointed James Ramsay"—he who had charge of the artillery—"to go the morrow to Fife, and tak a number of sailors with him, and bring over the haill boats upon Fife-side; and they made proclamation discharging all inhabitants to transport any boats great or small from the burgh to Fife." This was not "extended to the South Ferry, but those" having boats "in the North Ferry were required to act themselves to carry no passengers under ane great penalty." To identify the boats and render evasion less easy, it was concluded that all of them, "upon both sides of the water, shall be described in their sails, anchors, oars, and rudders; and the execution thereof to begin immediately."

The contagion did not cross over the water, but crept westward to Perth and beyond. At Lednoch, Bessie Bell and Mary Gray, two dear friends, who, for their seclusion and safety, had "biggit a bower on yon burn brae," were found out, as tradition tells us, by the destroyer, who came to the solitary place in the company of one of their lovers, and laid his griesly hand upon both of the gentle maidens, whose lonely bower became their grave, and still lies "beeking fornent the sun" to witness the verity of their sad story. Then passing the river and descending the valley of the Tay by the Braes of Gowrie, the pestilence seemed to be circling round to swoop upon the burgh from the other side. "The Council being informed that there is infection at Ballegerne, thocht fit that Bailie George Broun and Robert Stirling shall ride there and try the condition of the same, and see ane solid course taken for preventing the spreading thereof." Here, however, for the time, the enemy's career appears to have been again stayed, and hence probably arose the popular prophetic rhyme:— 1645. Nov. 4.

Between Sidlaw and the sea,
Pest or plague shall never be.

After the lapse of more than a year, the burgh was much alarmed "be the sudden death of two children in John Fithie his house, who being visit after their death there was found some blue spots upon their corpses, quhairby there was great occasion to tak some present course for preventing of any thing may follow thereupon." So the Council having considered this "late accident, they thocht fit that 1646. Oct. 19.

there be some honest men nominat to oversee every quarter of the town, whose charge shall be to call every day, morning and evening, at the several houses within the bounds allotted to them, and, if they find any appearance of danger or sickness, to close up the houses and put sentries thereto until the magistrates and others whom it does concern be advertised and order taken therewith;" and the quartermasters "all accepted with uplifted hands, and promised fidelity in the discharge of their offices."

John Fithie was sent to a shed at the Sickmen's Yards, and other houses having become infected, it was "presently found necessary to cause build ane other lodge apairt from it, and to appoint ane watch to stay there" to prevent communication with the town. "Margaret Jonstoun and the spouse of William Morris, after having been some time "in the lodges were ordered to be washed and brought in to the town to stay in ane house with ane watch to attend them the space of trial." John Dickson, who had experience of the plague in Edinburgh, "with his servants, cleansers, were sent to take the gear from John Fithie his house, and to cleanse it in the meadows, after which "liberty was granted to Fithie, in respect of the sufficient trial he hes suffered, to go about at his pleasure."

The infection did not spread in the town at this time, but it continued to hover in the surrounding district, and precautions were taken for preventing dangerous intercourse by having "three men constantly at every ane of the ports, each to have six shillings per diem furth of the excise, till ane solid course be taken in hand for payment thereof."

1647. Ap. 20. And further, "in consideration of the danger may ensue in respect of the plague now in several places about the burgh, the Council discharged all plaids, skins, or wool to be received without their special licence." There were some persons who had the temerity to disobey this injunction. "William Crawford, merchant, bought certain cloth from Alexander Jonstoun, the time he was in the lodges suspect of contagion, and brought the same to the burgh; and for this he was unlawed in ane hundred dollars." Patrick Brugh had formerly "stricken out a back-yett" in his dyke, which formed part of the town wall, to serve for this contraband traffic, and therefore was "placed in ward until the same be put up." But he had only fastened it in an

illusory way, and was now "unlawed twenty pounds for bringing in some skins be the back-side," and was put into prison till he paid it, and ordained "within forty-eight hours thereafter, to tak furth the timber cheeks and door of his back-yett, and close up and build it with lime and stone, under the pain of one hundred pounds." John Wat and Andro Stevinson brought some cloth into the town without obtaining leave, and "were ordained to be put in lodges, and aither to repair to that lodge quhair John Fithie was, or otherways build one thereby upon their awn expenses, and remain there till they be cleansed, and their packs." After they had been sequestered for a month, they received "liberty in respect of the trial they had sustained, to come in to the burgh from their lodges."

The town remained free from the pestilence until the following year, when there came a fatal visitation—the last, happily, which it had to undergo. "A footman having lately come from Aberdeen, was lodged in the house of Andro Nicol, stabler," and there he sickened and died suddenly. "Being visit be the physicians, he was found to be suspected to be dead of the plague;" so the Council, "having been convened to tak some course anent this, enacted that Andro shall be put furth with his family in the fields to abide ane trial, and instructed the treasurer to cause put up the lodge for him." After a few days they found "greater ground of suspicion of the plague, be the decease of one of Andro Nicol's family, and then they resolved to nominate and did appoint quartermasters to visit the haill houses and families of the town daily." The suspicion proved to be well founded, and after some weeks, "in respect of the spotting of the plague, it was ordained that the ports and lodges be continually watched" to prevent intercourse between the suspected and the sound, "and the disobedient to be condignly punished;" and because "of the great misery quhilk many poor people suffer in this time of visitation, for [relieving] thereof as far as may be, it was concluded that there shall be ane voluntary contribution demanded from the neighbours, and William Duncan was chosen to be collector thereof." This help was not demanded in vain, for enough was received to meet these pressing wants and leave something over. In 1650, the Council instructed William Duncan, "out of the contribution that was gathered the time

1648. Aug. 22.

of the late infection, to pay to Alexander Stewart, drivelmaister, twenty pounds for his dispatch aff the town with his wyff and bairns."[1]

The sickness was very fatal, and caused great alarm and desolation in the town. Many of the inhabitants fled, and the taxes could not be collected. From "the twenty-twa day of August to the end of November, the merchants' booths were closed up, and no mercats were keiped, nor fleshes bocht." And when the Council, the following spring, petitioned Parliament for relief of taxation, they claimed it "chiefly for the continuance of the plague six months togither, and which now again to their great fear is broken out."[2]

When there is a time of sore affliction it often happens that there are some unselfish souls ready to devote themselves to the alleviation of the common trouble. We have known of such, who, during the cholera pestilence, gloried in doing pitiful acts of mercy to their suffering neighbours; and we have all read, that, when the plague ravaged the Derbyshire village of Eyam until the living were too few for burying the dead, their noble pastor, William Mompesson, like the good George Wishart, staid to do them faithful service, and where he could not overcome the destroyer, was able to give comfort to the sufferers; so we find that at this time, when the fearful pest was heavy upon Dundee, and the burgesses themselves could not cope with it, the stranger who had helped them the previous year came again to grapple with the enemy and give them effective aid. "The Council finding that there hes been many houses infected of the plague, and the inhabitants thereof all removed to lodges, employed John Dickson, Bailie of the Potter Raw,"[3] to oversee the cleansing of the houses and the ordering of the sick people, and ordained that the quartermasters shall attend, assist, and obey his directions; and he himself being present, promised to do his duty."

1648. Oct. 24.

And he did it by proceeding to organize a system of separation between the sick and the whole, by enforcing sanitary measures, and

[1] I cannot offer any explanation as to the nature of the occupation of this person, whose departure, along with his household, was thus expedited. "Drivelmaister" seems inexplicable, and the abbreviation "drytler," which the clerk has written in the marginal title of the record, does not assist surmise.

[2] Act. Par., VI. ii. 312.

[3] The Potter Row is a central street in Portsburgh, a burgh of barony now incorporated with the city of Edinburgh.

generally reducing chaos into order. He instructed "the quarter-masters to be diligent in visiting their several quarters, and when they find any sick upon suspicion to immediately transport them to the fields; and cause such as are closed up in their houses upon suspicion to handle their haill household plenishing"—they "making inventor thereof—and, if it shall please God that during the time allowed for trial none shall sicken before they get liberty, then the plenishing to be visited and compared with the inventories, and if there shall be any other goods found in the houses nor was put in inventor, the samen to be taken furth and brunt without any favour." He took care that those who had been sequestered should be received into the town only with great caution. "The Council having heard the report of John Dickson, anent Walter Watson, Andro Nicol, and the relict of Donald Mackewen, how they had already abidden ane sufficient trial in the lodges, and how they had been all upon the hill," (had been at the top of the Law for a test of their soundness,) "and that he thocht it convenient they might be brocht into their houses [when] the height of the moon"—that time of occult influence—"was passed over, therefore gave their assent to his desire."

After the sickness began to lessen, they, feeling grateful for the assistance rendered by the energetic stranger, "ordained the treasurer to provide ane sylver maser[1] to be made for John Dickson, and given him as ane token of the town's kindness, and then thereafter, according to the time he shall stay, his pains to be considered and thankfully acknowledged."

It does not appear that the plague again visited Scotland, although it subsequently committed great ravages in England and on the Continent, and there were frequent apprehensions of its return. "The Council, upon information that the vessel come in to the river is from Queensbrig, and that there is suspicion of the plague in that town, thought it necessar that the merchants, skipper, and sailors shall remain within board until the change of the moon be past, and that no person be suffered to go aboard to them during the said space; and that, in the interim, they shall handle their lint and open their packs each day in presence of" certain of the Council. The handling of the

1653. Oct. 3.

[1] Or mazer, an ornamental cup or bowl.

flax was for the purpose of testing whether there was infection amongst it, by exposing all on board to the risk—a trial which appears cold-blooded and cruel, but the dread of the pestilence sometimes made men regardless of others in self-defence. After the change of the moon, and those in the ship having sustained the ordeal unscathed, "the Council thought it expedient that the merchants bring the vessel to the harbour and weigh their guids;" and that "all repair throw the town with their neighbours."

ALEXANDER WEDDERBURN ON AN IMPORTANT MISSION.

The discretion and judgment shown by Alexander Wedderburn in guiding the burghal affairs gained for him the entire confidence of the Council; and, when he went to Parliament, the value of these qualities was recognised by the leading men, and they appointed him to several important national missions. Before the defeat of Montrose at Philiphaugh, the Committee of Estates, in whose hands the executive functions of government were placed, having retired to the borders, ostensibly on account of the plague in Edinburgh, although really because the great cavalier had almost become master of Scotland, they forwarded a letter to Dundee "from the Floores,[1] dated the 29th of August, requiring that the clerk be sent to Berwick to treat with the English Commissioners." But the Council, being themselves in trouble, grudged to let him go, and having taken the command "to consideration, did resolve that one should be sent to the Committee of Estates with ane letter of excuse declaring the necessity of his stay here in respect of the great appearance of the infection." This remonstrance probably excused him from going, as, although he was nominated a Commissioner to treat with the English, he does not seem to have at that time left Scotland.

1645. SEPT. 2.

But the following February Wedderburn was himself named one

[1] Fleurs Castle, near Kelso.

of the Committee of Estates, and consequently was forced into taking an active part in the stirring events of the time. When the poor King, in his helpless extremity, came into the camp of the Scottish army at Newark, and by his submission ended the war, there followed no settlement of the quarrel with his rebellious subjects, for adversity had not taught him wisdom, and success had not made them magnanimous. After several months of futile endeavour to effect an arrangement, Commissioners were appointed to meet with him at Newcastle to try if even yet some compromise might be made. Wedderburn was named one of them, and previous to entering on the mission, he "compeared before the Council and made report of the proceedings lately in Edinburgh at the meeting of the Committee of Parliament, quhairwith they were pleased, as also to dispence with him for [his] going to Newcastle with those who are chosen be the foresaid meeting to go and supplicate his Majesty." The protracted negotiations which then took place turned out to be altogether fruitless, for the differences between the parties were extreme and irreconcilable, and the Scottish Estates handed Charles over to the English Parliament, with whom he was even less likely to come to terms. In these important discussions Alexander Wedderburn appears to have borne a reasonable and consistent part, and to have shown throughout a spirit of loyalty and a friendly desire to serve the King. This, Charles recognised, and, for almost the last time, exercised his regal authority by conferring upon him the honour of knighthood.

1646. Aug. 28.

FIRST IMPOSITION OF EXCISE DUTIES.

The necessities of the public service now required the exaction of a heavier national taxation. In 1644, at the time the army was in England, the excise duties, under the pressure of which the tax payers have ever since ineffectually grumbled, were for the first time imposed and established. Previous to Bailie Davidson going from Dundee to the meeting of Estates, "the haill several incorporations of the burgh

were convened for giving advice and information to him" regarding the proposed new taxes; and, when he returned, "he made his report specially anent the excise, how, after great debate and contest, it was condiscended that it shall be layed upon such particulars as are contained in ane printed roll" which he produced. In order to make the imposition less objectionable it was adopted as being only tentative —"to endure at the furthest but for ane year, and if Parliament at the next meeting sall find out ane better way to provide money, then this way of excise is to cease;" but no better way was found out, and the impost was continued. To stimulate the burghs in making the exaction, it was ordained that from the money which might be left over, after the maintenance of the army, repayment would be made to them of the half of the excise they had collected;[1] but there was nothing over, as the army needed the whole of it.

The new duties did not prove to be a fruitful source of revenue to the national exchequer, for public opinion was against them, and held their exaction to be oppressive and their evasion to be venial. In Dundee the Magistrates were charged to make the collection, but, as they themselves shared in the popular feeling, we may conclude that through their unfriendly offices only an indifferent return would be made. A change, however, took place regarding this when Parliament, in January 1646, enacted that the money lent by the burgh, and the cost incurred in quartering soldiers in it, shall be paid out of the first and readiest of the excise collected there.[2] Then, the circumstances having changed, measures were taken for gathering the revenue with diligence. The tax on malt was the most important, and "the Council thought fit that one of the Bailies with others to be named, shall attend and receive it, and this course to endure till the same be brought in use of payment; and, to the effect that the haill excise be carefully collected and employed according to the Act of Parliament, that every Saturday at four hours at night the collectors shall convene in the Councilhouse, and there give their compt and money;" the account "to be insert in a registry and subscryved be some of the magistrates, and the money to be put in ane kist, and the Provost to keep the key of the same, and no money to be given furth thereof but be the advice

1646. Feb. 24.

[1] Act. Par., VI. i. 76. [2] Act. Par., VI. i. 519.

of the Council." It was also "thought fit that for the better and surer ingathering of the excise there be twa honest men to attend the twa ports," (two only being then open,) "and they to notice that no malt be aither imported or exported until the same be payed."

1646. Nov. 30. This tax having been "brought in use of payment" by the Bailies, the Council, "in consideration of the great pains they are put to in collecting it, for remeid thought fit that ane honest man be constant collector; and, having experience of the fidelity of Robert Stirline, they nominat him;" at the same time ordaining "the Bailies to be always overseers *per vices*." They also "nominat two other collectors of the duties of all wines vented, of all tobacco imported, and of all merchandise liable in excise within the burgh, and the Bailies to be assisting to them."

At the end of the year, enough had accumulated in the kist to enable the Council to pay those "to quhom there was money restand for the gold and sylver wark" which had long before been advanced on loan for the public service. But immediately after this the Committee of Estates, probably thinking that the town had now got sufficient payment of old debts, suddenly interrupted the collection of taxes for that purpose, and the Council, in high dudgeon, promptly "ordained the excise to be supersedit during the Estates of this realm their pleasure." This accordingly was done, and for three months no duties were gathered. Then a letter came from the Commissioners of Excise, "requiring the magistrates to collect them as the same is now established by Act of Parliament, and the Council," who not unnaturally continued to sulk at the treatment they had received, "ordained ane letter to be written in answer thereto, and to require the Acts of Parliament for collecting thereof"—professing not to comprehend which Act they were to enforce, and whether they were to collect the duties for public use, or for behoof of the burgh. They, nevertheless, recognised the necessity of obedience, and appointed a collector, and by him proceeded to exact them on behalf of the national exchequer; but, seeing that it would be for the advantage of the town to have these taxes in their own hands, they "met to determine quhat shall be bidden as rent for them," and, after some negotations, obtained "ane tack of the excise of all goods, except wine and tobacco, within the

1647. Jan. 19.

May 11.

burgh and liberties thereof," for "the payment of ane thousand merks monthly."

1647. Oct. 26. After the magistrates had got control of the tax, they proceeded to amerce the maltmen in penalties "for bygone omission of excise." The fines imposed differed considerably in amount and were in diverse kinds of money. For instance, Andro Constable had to pay fifteen dollars, and William Fyffe, twenty merks, David Gourlay—he who made himself troublesome about his tenement which was cast down to make way for the fortifications—was unlawed in forty pounds, and Isobel Gray, in three rix dollars. Evidently these change-house keepers had been enquired at as to what sort of coin they possessed, and then unlawed correspondingly. The sub-tenants who occupied the town's mills upon Dighty water, likewise brewed considerable quantities of ale, and they were also charged for past-due payments. But "the tacksman of excise for the shire" claimed to have the right to the Dec. 28. duties from the millers, and enforced his claim, until the Council raised an action of suspension against him in the Court of Session, which, however, "was discussed in the town's favour," and "decreit obtained against him thereupon."

THE ENGAGEMENT WITH THE KING.

In the spring of 1648, while the King was in durance in the Isle of Wight, the Committee of Estates again endeavoured to arrange their differences with him, and he having agreed to accept the Covenant and to make certain concessions, they became bound to send another army into England—not to fight against, but for the restoration of the royal authority. This Engagement, as it was called, had not, however, the concurrence of the Marquis of Argyle and other leading men in the Church, and it did not meet with any hearty national approval. There had been some revulsion of feeling against the measures of the extreme party, and the people had much sympathy for their own native born

King, now in a pitiful strait at Carisbrook, but there was no enthusiasm in behalf of this enterprise for his relief, and the levying of the army was unwillingly undertaken. The Dundee Council, expecting that they would have trouble in providing the quota of men required from them by the shire, endeavoured to get the number reduced, "finding it necessary for eschewing great inconveniences;" so they resolved that the Colonel, Lord Carnegy, "shall be dealt with as to quhat ease may be had in the town's proportion layed upon them, extending to ane hundred and fifty men." At the same time they agreed "that the arms quhich are in the town's magazine shall be visited be craftsmen" and put in order. No relief was, however, obtained, they "being required be the Lord Carnegy to output their proportion in the levy, and also to nominate officers to the company. So they did nominat William Kyd to be Captain, to quhom they gave power to name his under officers." They found "great difficulty in making up their proportion of men, in respect that the Colonels of the cavalry were daily enticing and taking away many, so they resolved to discharge any inhabitant to tak on with any officer in the levy till" the town's "own company should be modelled, and ordained intimation thereof to be made be the drum." 1648. MAY 16.

The embodiment of the men having made very slow progress, Lord Carnegy became impatient and "again required the Council to have their proportion in readiness, and they then desired the collector of crafts to convene all under deaconry, as weill masters as servants, upon Mononday in the forenoon, and afterwards bring them the list of their haill numbers, that they may think upon the easiest way for making up" the levy; and they likewise ordained "the Dean of Guild to convene the Guildry upon the foresaid day, to that same effect." So "the rolls of the haill inhabitants were produced before the Council, who then resolved, as the readiest way to mak their company and to keep the rendezvous now intimate be the Lord Carnegy, to design particular numbers of the particular societies, and give him the roll thereof for their exoneration; and they therefore designed the maltmen to mak up the number of threttie men; the merchants and sailors, twenty-two; the litsters, four; the baxters, six; the cordiners, twelve; the braboners, fifteen; the tayleours, ten; the fleshers, six; the skinners, JUNE 5.

four; the bonnetmakers, aught; and the hammermen, three;" being a total of only one hundred and twenty.

Notwithstanding these designations, two weeks elapsed without any effective muster having been made, and then Lord Carnegy imperatively "required the Council to give him notice how many of their men they had in readiness for trying;" so they ordained "all who are enrolled in the Captain's roll to be warned be the drum to compeir the morrow and receive their arms," and appointed "some of their number to see the arms delivered to so many as are ready, and to report their number." But the men were very unwilling to leave their peaceful crafts and go upon an expedition of questionable purport, and there was further delay, until "ane letter was produced from the Committee of Estates requiring the magistrates under all highest pains to put furth their proportion in the levy and deliver them to the Colonel;" and then "they resolved to mak provision for so many as are in readiness, and desired the Captain to be ready upon the first occasion, and they should cause provide moneys according to his number—quhilk he declared to be only four score and ten, officers and all."

The effective men were evidently becoming fewer as the process of embodiment proceeded. This was the case with the whole army, of which Burnet says, "The regiments were not full, many of them scarce exceeded half their number, and not the fifth man could handle pike or musket." The Council evidently felt that their contingent should be got off as soon as possible to prevent farther diminution, and they now peremptorily "ordained Captain Kyd, with the number quhich he hes on foot, to cross the water this day, and to stay no longer for making up the rest of his company."

1648.
July 11.

The army then gathered together, was placed under the command of the Duke of Hamilton, and, shortly afterwards, entered England. It did not advance far, or stay long, and lent no helping hand to Charles, but was met by Cromwell at Preston, on the 18th August, and signally defeated. The ill-judged enterprise only blasted the poor king's hopes of restoration, and helped to hasten on the end.

When the news of this defeat reached Scotland, there came a reaction in public feeling. The friends of Charles were disconcerted

and the rigid puritans became uplifted, for they knew that Cromwell was on his way from the south to put the state waggon in its former track. In the west there was a rising of Covenanters, and, this having been joined by Argyle and his adherents, they made the famous march toward Edinburgh against the Committee of Estates, which is historically known as the Whigamore Raid, a designation which originated the name afterwards applied to a great political party. The Dundee Council were alarmed at these ominous movements, for they had not only identified themselves with the Engagement party, but had become less zealous for the Covenant, so, "in respect of the reports quhich they daily hear that many of the kingdom are now rising in arms, both south and north, the grounds and reasons thereof being unknown to them, they thought it necessary that the town be put in ane posture of defence, and this to continue until farder certainty may be had of the condition of public affairs of the kingdom." To provide for this, they resolved "that ane complete company be nightly upon the watch, and nominat Captains for ordering the haill inhabitants and drawing out the watch; and, for the better outgetting of it," instructed them "to poynd the absents forty shillings, and ordered the town's sergeants to be assisting of them;" and they "discharged all neighbours be drum from selling ammunition to any person quhatsoever without special licence." 1648. Sept. 6.

A vessel loaded with warlike stores, intended for the service of the army in England—which entered upon its expedition entirely without artillery—had quietly lain in the river since the news of Preston fight arrived. The Council were no doubt privy to the nature and purpose of its cargo, as they had not long before, by the instructions of the Committee of Estates, "sent ane boat to Perth to bring down two brazen ordinance with their carriages and other furniture," and these formed part of the lading. They now judged it prudent to discover and formally recognize the presence of the vessel, and for their own exoneration made a seizure of it. "Being informed that there is cannon and ammunition in ane bark riding in the road, quhairof John Ramsay is skipper, quhich was intended for Berwick, as the charter pairty did clearly evidence, they, in respect of the present condition of affairs, gave order to James Duncan, skipper, to bring the foresaid Sept. 19.

bark to the harbour, and tak up inventory of the haill ammunition, that the same may be forthcoming to the public."[1]

While Cromwell was marching his ironsides northward, he addressed a letter of "expostulation" to the Committee of Estates, which they prudently did not stay to answer. A transformation scene was taking place. "They can make no answer, for they do not now exist as Committee of Estates—Argyle and Company are now assuming that character; the shifting of the dresses is just going on. From Argyle and Company, however, who see in Cromwell their one sure stay, there are already on the road conciliatory congratulatory messages."[2] Argyle and his friends, while on their way to Edinburgh, sent intimation to the Dundee burgesses that they were now the masters. "Ane letter was produced from the Committee of Estates at Stirling, direct to the magistrates, requiring them to put the town in ane posture of defence, and to acknowledge no other Committee but them." The Council discreetly resolved "to mak no answer thereto;" but shortly afterwards, at Michaelmas, when an "Act of the Committee for election of Magistrates and Commissioners to Parliament was read," they judged proper, in compliance therewith, "to require all to convene prepared to mak election of the ablest persons, and of such as are of known constant affection to the Covenants"—a qualification which had not been held essential at late elections.

1648. Sept. 21.

They did not, however, have much regard to the instructions of the new Committee when they appointed George Halyburton to the magistracy, for his affection to the Covenants had not been held unquestionable, as he was one of those "sent to England with a warrant to borrow money upon public faith," and also "with unlimited letters to the King and to the Parliament of England, shewing the intentions of the Estates in the Engagement."[3] He himself desired to decline the office, "and made protestation that he could not be chosen ane Bailie because he was no merchant venturer; quhilk protestation the

Sept. 28.

[1] From a document in the town's archives, printed by Mr Beats, it appears that "the cannon, powder, match, and ball which formerly were appointed to go to Berwick, and which belong to the town of Saint Johnston, were returned back to that town" at the expense of Dundee.—Municipal Hist. of Dundee, 69.

[2] Carlyle's Cromwell, I. 311.

[3] Act. Par., VI. ii. 103.

Council repelled in respect of the constant practice of the burgh, which had always chosen the sons of merchant venturers—they being otherways qualifeit and meet"—because they had "the libertie of trading quhen they pleased." He then pleaded bodily infirmity, and sent "ane letter entreating them" to elect another "in his place in respect of his indisposition of health." But they did not admit this plea, and instructed "twa of their number to deal with him to accept;" and he was then persuaded into taking office. They shortly afterwards sent him to represent them in Parliament, and, although Cromwell had demanded that no person accessory to the Engagement should "be employed in any public place of trust whatever," and the Estates at their meeting had ordered that all such shall be suspended from office, he appears to have been permitted to take his place without challenge. Notwithstanding this, the Council thought it was proper and necessary for them to make a protestation of their own orthodoxy, and, "when they sent ane letter to the Committee declaring the election," they also "made a declaration of their constant affection to the Covenants."

The part which Sir Alexander Wedderburn, as one of the Committee of Estates, had taken in promoting the Engagement with the King was, however, too important to be overlooked, and he could not expect to receive any tacit indemnity. At the time that Cromwell entered Edinburgh, Argyle and his colleagues thought the occasion was fitting for imposing disabilities upon their predecessors, and, amongst others of a similar nature, they sent orders for the deposition of Wedderburn from his office of Town clerk. The Council hesitated for some time, to make sure that the new men were really in power, and then unwillingly accepted the situation and parted with him. 1648. Dec. 19.

"Taking to consideration that Sir Alexander Wedderburn, our clerk, doeth, in obedience of the Acts of the Committee of Estates of the 22d September and 4th October, and other considerations moving him, forbear the exercise of his office of clerkship among us, and being careful that the town sustean no prejudice thereby, therefore, witt ye, us all in ane voice have nominat and electit Thomas Wichtan, notar, in and to the office, and to all fees, dues, and casualties perteining thereto, siclyke and as freely as any burgh clerk within the kingdom; lykeas the said Thomas, being present, was admitted and

gave his oath *de fideli* administration with all solemnity requisite." Thomas Wichtan was a plodding man, with but little literary qualification for the office. He held it until the Second Charles was recognised as King of Scotland, at which time, as we shall see, Wedderburn was replaced at the burghal helm.

MAINTENANCE OF THE ARMY.

For the maintenance of the national army, a system was devised whereby each of the shires and burghs was assessed to pay for a number of soldiers proportioned to its population. To Dundee was allotted the cost of supporting one hundred and eighty-six men at nine pounds each monthly, or sixteen hundred and seventy-four pounds, and, "for the effect that the town be stented for this payment," assessors were appointed. They did not, however, proceed expeditiously, and the Council agreed that "ane hundred pounds sterling shall be taken of the excise and given to" Sir John Weymis of Bogie, "the Commissary-General, in pairt of payment quhen the same shall be demanded." But he having written them requiring the collection to be made, they found out a reason to explain the delay, and "resolved to write ane answer to Bogie anent the maintenance, that they cannot get money for payment until he send letters hither for charging the stenters to accept" their offices. This he speedily did, and then arrangements were organised for fixing the assessment upon the burgh, and likewise upon "the trade with Flanders, the Easter Seas, France, and England;" and the taxation was ordered to be made for three months' maintenance. As the money did not come in freely, and as the Act provided that part of what was due to burghs for the quartering of soldiers might be deducted from their assessment, it was "concludit that quhat can be had will be given to Bogie," and the balance made up by sending "the accompt of the quartering, in satisfaction of the whole"—a method of reckoning which was not, however, admitted.

1647. MAY 11.

A grant made to the burgh for relief of wounded soldiers was absorbed in the tax. "William Gray, Sheriff-clerk of Forfar, declared that he had order from the General Commissar to deliver to the magistrates six hundred seventy and four merks for the town's proportion of the gratuity granted for the help of widows and orphans and lame soldiers; quhilk gratuity he was willing to deliver quhen the town" paid what was three months overdue of the maintenance, which amounted to a larger sum.

The Earl of Middleton, who commanded the army in Scotland, "in respect of his chargeable way of living, he never having taken free quarters," received, amongst other rewards, a grant out of the taxation of Dundee. The Council, learning "that they must presently pay to General Major Middleton four thousand merks, and having also to complete the tack duty of the excise, being seven thousand merks, resolved that the neighbours shall be charged for payment of four months' maintenance; and, for the manner of inbringing thereof, ordained that intimation be made be the drum charging them to compeir in the Council-house for delivery of it, and likeways that the ministers be desired to mak intimation thereof upon the next Sabbath." But the taxation was obtained so slowly, notwithstanding threats of "horning or poynding all who are owing," that Lord Middleton's claim remained undischarged until "the Commissar directed a precept to the magistrates for the payment of it, and entrusted this to Mr John Denmuir," their former adversary. Then they made out to raise the money, and "ordained that it be payed to Denmuir upon delivery of the precept and the General Major his discharge."

1647. Dec. 24.

1648. Ap. 11.

An attempt was made to recover outstanding arrears, by instructing "the magistrates to go togidder alongs the town for inbringing of that which is owing," but these perambulations were so unsuccessful, that, when "the Commissar charged the Council with letters of horning for bygone maintenance, they, "finding no way for making present payment be collecting thereof, resolved to borrow five thousand merks." After applying this sum to the payment of old claims, "there was, however, seven months' maintenance still restand, none of which was uplifted from the inhabitants, so they resolved to convene the deacons of crafts for consulting about the best ways of raising the same."

1648. Aug. 19. At the meeting which was then held, after considering "the burdens that have been contracted for the necessities of the burgh, as also the great proportion they underlie in the monthly maintenance, togidder with the decay of trade and merchandise, the Council, with the unanimous consent of the deacons of crafts representing the commonality of the burgh, resolved that, for relief thereof, the most equal and insensible way was by laying on ane small imposition upon all drink brewen and drunken be the inhabitants; and condescended that there shall be added to the excise of ale twa pennies upon every pint. And the Committee of Estates or Parliament, quhen the samen shall happen to sit, to be supplicat for their approbation."

Shortly after this the plague was in the burgh, and the terror of its presence so changed for the time the social habits of the burgesses that during the autumn much less ale was "brewen and drunken." "For several months no taxes were collected in respect of the plague," and, when those "appointed for uplifting the excise of the malt ground be the inhabitants since the infection came in, made their compt upon their great aithes solemnly sworn," it was found "that during the space" of three months "there had only been four hundred and twenty-five load, and that there came no more malt within the town." So there would be but little revenue derived from the new tax.

While the town was distressed by the pestilence, Sir John Broun of Fordel, Colonel of the Perthshire horse, preferred a claim before the new Committee of Estates for the repayment of "several soums of money that he had debursed for the public use," and Argyle and his friends, no doubt wishing to harass the burgesses because they had not yet recognised their authority, "assigned to him a grant of the seven Oct. 31. months' maintenance due be the town of Dundee."[1] At the next meeting of Council "ane letter was produced from Sir John, quhairin he shewed that he had an assignation to the maintenance, and that he had letters of horning to charge them for payment, quhilk he would, however, forbear to cause execute till he received their answer to his letter." To this they resolved "that ane answer should be sent to give him thanks for his courteous dealing, and to crave some delay till the Committee of Estates be supplicat for the discharge of these months the

[1] Act. Par., VI. ii. 206.

plague has been in the town;" and they sent Bailie Davidson "with all diligence to Edinburgh to supplicat, in the town's name, for ane discharge for August, September, and this October in respect of the plague." But the mission proved unsuccessful, it was found "that no suspension would be granted of the maintenance restand be the town and assigned to Sir John;" and then the Council resolved "to deal with him to grant them some competent time to collect it, and in the meantime to grant ane band for the same." They accordingly gave him a bond for the amount, payable in the following August. "A supplication was likewise made to the Committee of the shire for exemption of twenty-seven of the sogers maintained by the town," but this also was refused.

The plague having somewhat abated, another effort was made to recover outstanding taxation. The stent "roll of the burgh had not been perfected in respect of the sickness," but the Council now amended it, "and resolved that, according to the roll, there shall be seven months' maintenance uplifted with all diligence." Some of the burgesses "who left the town had returned, and they were ordained to be charged with horning, and, if they paid not, denuncit and sequestrat." But the money was still difficult to raise, although "the Provost and Bailies did meet and go throw the town to collect it," and also "ordained the haill inhabitants to be warnit be the drum to compeir within the tolbuith this day and the morrow to pay it, under the pain of adding ane third more thereto, and quartering of sogers upon them until doing thereof, but favour." 1649. JAN. 3.

When Parliament met, the Council "craved to have ane ease of bygane maintenance in respect the plague hes continued in the town since August," and the Estates, shewing more regard to their straits than the Committee had done, agreed "to exeme the burgh from payment of the two months preceeding October, and that in respect of their former troubles, and constant affection to the Cause and Covenant."[1] This alarmed Sir John Broun, and he presented a memorial, shewing how he had got an assignation of the tax, and, having charged the Council therewith, they, in obedience thereto, "had granted him a band conform, notwithstanding which they had

[1] Act. Par., VI. ii. 206.

sensyne procured exemption for two months of the seven, and he therefore desired that Parliament would declare this should be noways prejudicial to him for payment of the band granted be the town." In answer, the Estates—who seem to have been pulled hither and thither by diverse influences—declared "that the exemption granted by them shall not relieve the town, and ordained letters to be direct against the magistrates for payment of the soum aughtand, and contenit in the band."[1] Then the Council presented another supplication wherein they plaintively narrated "how, in respect of the many great losses sustenit for their constant affection to religion and country, and the great burdens they lie under, chiefly from the continuance of the plague six months together, the Estates were pleased to exeme them from payment of two months; which favour will be ineffectual because the payment thereof was assigned to Sir John Broun, to quhom the town hath given satisfaction; therefore they desired the Estates to allow the retention of the money, so that they be not frustrat of the Act in their favour, which will be seasonable in this time of their visitation and misery." The Estates, having considered this supplication, "and also that Sir John had evicted by the band the two months' maintenance—notwithstanding that Parliament had exemit the town, ordained the Commissar to mak payment of [that part] to the magistrates out of borrowed money or fines."[2]

1649. Aug. 28. When the bond was matured, the Council were somehow enabled to make payment, and "Thomas Mudie, Provost, in their presence presentit ane band made be them to Sir John Broun, upon the soum of twelve thousand and six hundred merks, quhilk was riven and destroyed in their presence." As this sum is only the amount of five months taxation, it would appear that they had been relieved of the other two.

The Brothers Lampsons of Camphere having advanced to the Committee of Estates a sum of money for public purposes, a portion of it now fell to be repaid, and for this a taxation was made upon the country.[3] "The Act of the Committee anent the upcasting of the proportions of the several shires in thirteen thousand two hundred pounds sterling imposit upon the kingdom towards the payment of

Oct. 31.

[1] Act. Par., VI. ii. 281. [2] Ibid., VI. ii. 312. [3] Ibid., VI. ii. 743.

Lampsons' debt, was producit," and the Council, in consideration thereof, "and of the Sheriff clerk's debt, resolved that two months' maintenance be presently collected, and that the drum go throw the town for that effect." But so much difficulty was experienced in gathering direct taxation, that they afterwards concluded rather to make a further impost upon liquor, "and ordained that the crafts be advertesit thereof," and that their consent be obtained thereto.

1649. Dec. 20. So they had another meeting with the deacons, at which "consideration was taken of the extraordinar debt lying upon the town, quhilk hes been contracted during the troubles of the kingdom, pairtly for the use of the public and pairtly for other necessary uses of the burgh; likewise of the smallness of the common good, quhilk is not able of itself to pay the ministers stipends, fees, and other necessary chairges, far less the annual-rents;" and they, "having seriously considerit of the likeliest means for paying these, and also some of the principal soums, all of ane consent found the most equitable and insensible way to be ane imposition upon all the wine [imported] and ale brewen. Therefore they statute that there shall be added to the excise aught pennies upon ilk pint of French wine, and sixteen pennies upon ilk pint of sack, and ane new imposition of twa pennies upon the ale; and, for the greater encouragement of the brewers and maltmen to pay the samen pleasantly," they agreed that "the price of the ale be heightit in the like soum; and, for the mair easy ingathering thereof and for preventing of oaths, quhilk might occur in uplifting of the samen from the brewers," (who had already begun to apply improper language to excisemen,) "they ordained that twenty shillings shall be taken off ilk boll of malt quhen it is sent to the mill," instead of making the exaction upon the ale. As for the malt which was already ground, but not brewed, "the haill browsters were ordained"—notwithstanding the risk of oaths—"to pay the twa pennies off ilk pint of ale" made from it. The returns from the new excise had been satisfactory, for before long, "ane letter was written to the Commissar, desiring that he send ane here to receive the town's pairt of Lampsons' debt."

1650. Jan. 9. The magistrates themselves "began the collection of the new tax, and they continued it until the samen was peaceably established;" after which "the Council fermed it to William Rodger, and oblissed them

to maintene him therein until the first of May, and to freith, relieve, and skaithless keep him of any danger, cost, or expense that he may be drawn to; for the quhilk causes he bound him to advance and deburse, as he shall be required, the soum of three thousand merks; and forder, he, out of his respect to the weill of the burgh, oblissed him to give inspection of the haill accrescence of the tax to four honest men, and, he being satisfied of all debursements, quhatever free benefit shall remain thairefter to be employed to the weill and utility of the burgh."

1650. Ap. 23. No doubt it was expecting too much of the brewers to look for them paying the exaction, in any form, "pleasantly." They did not do so, neither did they forbear using free speech to William Rodger, "their excise master, who daily sustenit great skaith be neighbours quha obstructed him;" so the officers were ordained, "as they shall be requirit, to pass and ward within the tolbuith all refractours quha will not pay their excise willingly, there to remain until they have given contentment." It was, however, difficult to convince them of the reasonableness of the tax, and before long, "the Council, all in ane voice, redacted their late imposition of twenty shillings off ilk boll malt to ten shillings, and this to endure until Mertimes."

THE SOLDIERS OF THE PERIOD.

As yet there was not what could be termed a regularly organised national army. When occasion called for fighting men, they usually mustered, on the general order, either by their own voluntary ardour, or at the call of feudal superiors or burghal rulers, and, when their forty days' service was over or when the campaign had ended, such of them as were left found their way back again to civil duties. There were, however, already some regular regiments of trained soldiers, and Parliament at this time enacted "that two companies, of one hundred men each, of dragoons be kept up in the kingdom; and these were

placed under the command of Lieutenant Colonel Patrick Blair."[1] One of the companies was quartered during several weeks at Dundee, and the Council, thinking themselves already overcharged for maintenance, refused to pay the cost of their rations. The Colonel made complaint of this to the Committee of Estates, who then required the Council to give explanations, so two of their number "were sent to the Committee to answer the charge of Lieutenant Colonel Blair for the quarters of seventy-two dragooneers." The General, Lord Middleton, also wrote "ane letter anent the payment of the dragooneers, quhairupon the Council thought fit to send him ane answer," probably remonstrating that they had in addition been called on to pay him a considerable sum. But neither the deputation nor the letter was of avail in obtaining them relief, for the charges had to be paid; and, shortly after, the magistrates "declared that they had settled with the Colonel for three thousand and three hundred merks, and given their particular band for payment at Lambas, so the Council ratified the same, and declared it to be ane public debt for the quhilk the town was liable for their relief." 1647. Dec. 24.

The regular soldiers were received into the burghs with great disfavour. In February 1649, the Council and Community of Aberbrothok presented a supplication to Parliament "craving that four hundred men, under the command of Colonel John Innes—now quartered upon them be the space of five weeks outrun—be removed aff the burgh, and that in regaird not only of the oppressions, plunderings, and quarterings endured be the burgh, but also in the great strait both of meat and fire. Quhilk being taken into consideration be the Estates, they gave warrant and command to the Colonel for removing the men to the town of Dundee, because they had assigned to them the haill shire of Forfar for their winter quarters, within the quhilk the town of Dundee lies."[2] When this contingent arrived, the Council gave them a reasonably warm reception, and "concludit that the collector shall cause the haill crafts meet in the afternoon, so that Colonel Innes' regiment may get quartering in the town;" and they besides resolved "to tak pains for quartering of any sogers quha shall happen to come." But this did not seem to apply to some from 1649. Feb. 13.

[1] Act. Par., VI. i. 672. [2] Ibid., VI. ii. 170.

Ireland who shortly afterwards were sent to the town—apparently at the instigation of certain citizens—for they were received with but scant hospitality. "The Council concludit to accept of the Irish company, consisting of the number conform to the order of the Committee of Estates, and to give them bedding only, providing the said company entertein themselves and pay for quhat they get." The dislike in which these mercenary troops were held, was exhibited a few weeks later when Archibald Watson, merchant, came in a fussy way before the Council "and declarit that, in his presence, Patrick Montagow, maltman, curst Mr John Robertson, minister, saying that he had the wyte that sogers cam to the town," and the grave offence was simply recorded, without any indication that punishment had been awarded to Patrick. When next there were dragoons in the burgh an effort was made to get their rations supplemented. The Estates having been petitioned for relief, they passed an Act "quhairbe the Committee of War for the shire of Kincardine was ordenit, out of the meal due be that shire to the army, to deliver to the magistrates two hundred bolls for the enterteinment of Grenehead's regiment now quartered in the burgh. For the more speedy putting of this in execution the Council nominated John Arbuthnoth, merchant, their factor to pass with the Act, and ane letter direct to the Committee in Kincardine, and the magistrates power for the uplifting of the meal." Notwithstanding this help, the cost of these soldiers was heavy. When they left, "Alexander Bower made report that he had agreed for the dragooneers for two thousand merks, by and attour the one thousand quhilk was formerly payed."

1650. Dec. 11.

FEELING IN FAVOUR OF THE YOUNG KING.

The Scottish people had no sympathy with the leaders of the English Parliament in their extreme measures. They resented the indignities offered to the King, and held the putting of him to death in deep abhorrence; for, although they themselves had rebelled against monarchal tyranny, they had no favour toward republican theories,

and were essentially loyal to the house of Stuart. The dominant faction recognised the Commonwealth government, but the people looked upon it as an alien power, and the national feeling generally was in favour of recalling the Second Charles, under whose sway it was hoped there would yet be a restoration to peace, with liberty of person and of conscience. The burgesses of Dundee felt a warm and a loyal regard for the young Prince. They sympathised with him in his misfortunes, and the greater part of them would have gladly welcomed him to his ancestral throne. His father's old friend, Sir Alexander Wedderburn, found means for keeping him informed of their feelings toward him, and Charles acknowledged his services and their loyalty in a letter which has been preserved:—

"CHARLES R.

Trusty and wellbeloved, We greet you wel. We have been duely informed of the faithfull service you have performed to the King, our late father of blessed memory; and we intreate you to continue the same good affection to us; assuring you that we are very sensible, not only of your particular desert, but of the good affection of the whole Towne of Dundee, and that we shall be carefull, whensoever it shall be in our power, to doe such favours both to you and them, as may best expresse the consideration we have of the many faithfull services that have been performed by you, and that Towne, to our said late father, and to us. Given at Bruxells, the 6th day of July, 1649, in the first yeare of our Reigne.

To our trusty and wel beloved
Mr. Alexander Wedderburn,
Clerke to the Towne of Dundee."[1]

The growing spirit of loyalty alarmed the Committee of Estates, and they took measures for suppressing the plots which were being formed for recalling the young Prince. Some of the Royalists had been making demonstrations in Dundee, and at a meeting of the Council "my Lord Chancellor's letter, in name of the Committee, wes producit and read, touching the purging of the town of malignants, and they," in a temporising spirit, merely made a qualified submission 1650. FEB. 19.

[1] Printed in Mr. Hay's Charters and Writs of the Burgh.

to Lord Loudon's instructions, by agreeing "to use all ordinary means to give obedience thereto." Shortly afterwards, when news came that the Marquis of Montrose had landed in the north, and was preparing to deal with the enemies of the son as he had already dealt with those of the father, there was a gathering of his friends in the town, and the Council made an inquiry regarding it; but this was evidently done in no inimical spirit, even toward their great enemy, for they only "ordained Thomas Tosche to be warnit to produce ane list of the names of the sailors and neighbours that were at ane late meeting in his house with the Viscount of Dudhope, reading of James Graham's late declaration."

John, Lord Dudhope, had then been rebelliously disposed. In the preceding year he was charged by his sisters "Margret and Clara and their bairns" for payment of some bygone annual-rents, and the Committee of Estates had just before this decerned him to pay them one thousand pounds yearly,[1] so he would be sufficiently discontented and ill-affectioned toward Argyle's rule to be ready for plotting against it. Upon the arrival of Charles, he attached himself to the royal cause, and after that was ruined by the disastrous fight of Worcester. He was put in prison and mulcted by the Commonwealth Parliament in fifteen hundred pounds sterling. In 1656 he was still in durance, being one of "the considerable persons in Scotland," regarding whom Monk wrote to Cromwell that for security they should be sent to some other place.[2] After the Restoration he was created Earl of Dundee, but he died in 1670, without leaving heirs-male, and the title became extinct. Subsequently the King made a grant of the lands of Dudhope to Charles Maitland of Hatton.[3]

The declaration read at the clandestine meeting had just been issued by the Marquis of Montrose in defence of his invasion of the kingdom on behalf of Charles. There immediately followed an alarm, and a call to arms. "The Estates, having certain intelligence of imminent danger to the Cause and Covenant, and to the Kingdom, from abroad, resolved to keep up such forces as may prevene the same;" and the Committees of the different shires took measures for raising a muster. The Dundee Council nominated "commissioners to

1650. Ap. 9.

[1] Act. Par., VI. ii. 346. [2] Papers of State, Act. Par., VI. ii. 906. [3] Act. Par., VIII. 44.

repair to ane meeting at Forfar, and in their name to treat, vote, reason, and conclude in all matters concerning the glory of God and public weill of the kingdom." At this meeting the fidelity of the Council to the Cause and Covenant had evidently, to their indignation, been called in question; for, shortly after, the commissioners were again "ordained to pass to Forfar and there oppose and withstand such things as sall be agitat to the prejudice of the town." At the same time "the Council resolvit to put the town in ane posture of defence, and they nominat Captains in the several quarters," who "gave their aiths to dischairge their offices faithfully and truly until they be dischargit." The defences had been maintained in good condition. Two years before, it was found necessary "for preserving the fortifications about the town, that the many defects and breaches of them [caused by] the last winter season should be repaired, and all neighbours were required be the drum to compeir, as they shall be desired, for helping thereof;" and afterwards, when the flow of water in the ditches had been interrupted, the Council found that "Alester Mackein had done wrong this last oulk in stopping of the ditches and closing the common works there, and therefore ordered him to pay two dollars for his fault." They now appointed persons "for attending and helping of the fortifications, and William Rodger and Gilbert Guthrie[1] were nominated overseers of the beiting and repairing of them."

But these works were not needed either to hinder or to help Montrose. His expedition, which was expected to cause an ardent and general rising and to culminate in a fervid outburst of national

[1] Gilbert Guthrie was held in much esteem, and at different times had the oversight of important works committed to his charge. And he was worthy of trust. His gravestone in the Howff calls him "a pious man, an upright, honest, gentle citizen, and an illustrious benefactor to the poor, for being rich and spreading the abundance of his good deeds his name is dear on earth." In 1652, he "produced ane disposition of the Gray Sister Acre in his favour, and did likeways exhibit ane letter of mortification of the said Acre in favour of ane youth to be trained up at the schools in the town, quhich was subscryved be the magistrates as witnesses;" and at his death, in 1674, he left by will the West field, through which Guthrie Street is now carried, and other property for the education and upbringing of orphan boys. To this purpose the income from these properties continues to be applied, and his good deeds have proved a blessing to many fatherless children who have learned to hold his name in reverent and dear regard.

loyalty, was suppressed in the north at its first step; and he, betrayed into the hands of his enemies, was carried in contumely to Edinburgh. Wishart relates that on the way "he was lodged one night in the town of Dundee, and it is remarkable that though it had suffered more by his army than any other within the kingdom, yet were they so far from insulting him, that the whole town testified very great sorrow for his woeful condition; and here he was furnished with clothes suitable to his birth, in place of that ordinary dress in which he was taken; which Leslie would not for some time allow him to change."[1] Sir Walter Scott says, "This was a piercing reproach to the unworthy victors, who now triumphed over a heroic enemy in the same manner as they would have done over a detected felon."[2] In Edinburgh he was treated with great indignity, but his noble bearing, amid the brutal jeers of his exulting enemies, made the ignominious death of "the great Marquis" a grander scene than any other in which he had taken part.

CHARLES II. IN SCOTLAND.

The feeling in Scotland having been generally manifested in favour of recalling Charles, the Estates, after protracted negotiations, arranged terms upon which he was to be placed on his ancestral throne. The foremost of these provided that "so soon as he shall come to Scotland, and before his admission to the exercise of his royal power, he shall swear and subscryve the Solemn League and Covenant;"[3] and he was not permitted to land until he had done so. Before he arrived, the Dundee Council made arrangements for his entertainment. "Having taken to serious consideration that they are certainly informit that the King, in his passing south from his landing in the north of Scotland, is to be ane night in the burgh with his train, and that it will be ane extraordinar chairge to the treasurer to deburse moneys for buying of provisions for his Majesties' coming, beside the ordinar great chairges of the burgh quhilk he daily deburses; therefore, and to

1650. MAY 24.

[1] Memoirs of Montrose, 380. [2] Hist. of Scot., III. 75. [3] Act. Par., VI. ii. 559.

the intent that he may be more able and ready to answer such ane good purpose, and that nothing shall be deficient by his default thereanent, they ordain him to advance ane thousand merks for buying of necessaries for his Majesty;" and "oblige them to pay back this soum, and quhat farder mair soums he shall deburse, togidder with the annual rent baith for the ane and other; and are content that he be repayit out of the first end of the grassom to be gotten for the tack of the common mills." For the purpose of giving the young King an honourable reception, they "all in ane voice nominat Thomas Scott, merchant, ane of their number, to be Captain of his Majestie's guard within the burgh during the time of his remaining in the same."

Shortly after this, Charles landed at Spey mouth, and in his progress southward stayed for some time in Dundee, where he was well entertained. His father had bestowed almost the last honour he could give as a free King upon a Dundee citizen, and he himself now conferred perhaps the first he gave upon another, by knighting Provost Mudie. His presence at this and subsequent times confirmed the Council in their loyalty, and, adopting his cause with some ardour, they levied men and raised money to forward it;[1] and, although, as we shall find, the inhabitants did not respond with much enthusiasm, they thereby made the town a special object of resentment to Cromwell, who had lost no time in carrying an army into Scotland to suppress the royal enterprise.

1650. JULY 14. The Council having received instructions "to put furth a company in the King's service to the present expedition," they enacted "that quhenever sogers are taken on by the town they shall have free quarters until their removal to their service," and also agreed that certain small bounties, such as "the aucht score pounds received for benefit of the goods lately brocht in ane Dutchman's ship, shall be applyit to the levy of sogers." But so much difficulty was experienced in raising recruits that it was resolved to enforce only the half "of the levy, by laying on upon the inhabitants proportional pairts of four score and ten men," and endeavour to secure an "exemption of the other half of the foot sogers and horse, by presently uplifting" and

[1] Dr. Small says, without, however, naming his authority, that they also "presented him with a stately pavilion and six pieces of ordnance."—Account of Dundee.

paying three months' maintenance, and at the same time, "ane other month for the expenses of the commissioners who had been in Holland" negotiating the return of Charles. So the levy was made up partly in men and partly in money.

The signal defeat of Leslie's army at Dunbar on September 2nd gave Cromwell the virtual command of the south of Scotland, and the Royalists saw that it was necessary to strengthen the defences of such tenable places as might withstand him in the north. On the 12th, the Committee of Estates, "considering of what importance it may be for the public good and peace of the country that Dundee [should be] well fortified and secured from the common enemy, gave strict charge and command to the magistrates to cause fortify the town and remove all impediments that may hinder the speedy and effectual doing thereof," and likewise "to cause mount the two cannon belonging to the public which are lying in the town"[1]—some of those, probably, which had before been intended for the army in England. Following this, there came an order from the Committee with the army to raise a second company of soldiers, and the Council then "concludit that two of the Bailies presently repair to Perth to deal with the Committee [there] for an exemption of the town fra the present levy of horse and foot, in respect that, by an Act of the gryte Committee, they are commanded to fortify their town for their awn preservation and the defence of the country." But they failed in obtaining exemption, and some persons were "nominated for laying on upon the town and designing of four score of sogers to be upliftit furth thereof."

1650. Oct. 3.

1651. Jan. 9.

When the next contingent was called for, the cavalry appear to have been raised without difficulty, and "it was concludit, for outputting of the town's dragooneers for his Majestie's service, being fifty-five in number, that, for defraying ane pairt of the chairges, there be presently borrowit three thousand merks." But the footmen were not so easily levied, and those "nominat for laying them proportionably upon the inhabitants" were instructed "to meet for that effect, and quhat ever any five of them does to stand as ane warrant." These stenters at first "concludit that two companies shall be made up," and, "for putting furth and designing of the ablest, appointit all the inhabitants betwixt

[1] Printed in Mr. Hay's Charters and Writs of the Burgh.

sixty and sixteen, masters and servants, armed and unarmed, to be brocht furth upon Saturday, and the haill two companies to be drawn furth and made up be the advice of the magistrates;" and a Committee was named "to think upon the best way for providing money for outreiking them." The clerk and treasurer having, however, been at Forfar attending those appointed "for promoving the levies," upon their return "made report that the shire had condescended to ane model of [only] three hundred horse and twelve hundred foot, quhairupon the Council resolved to mak up ane strong company with complete officers."

After the inhabitants had been mustered, "ane roll of three hundred was presented to the Council, out of quhich the persons formerly nominat were ordained to choose the number imposed upon the town of the ablest and fittest men, and it was thocht fit that the town Captains convene with these to be assisting therein." Then, for providing the necessary money, "the Council condiscended that twenty thousand merks shall be uplifted from the inhabitants who are not to go furth personally in the levy, and, for the most speedy way of dividing the same, they appointed the Committee formerly nominat to meet and cast every man's proportion upon him be way of opinion, and report the same to them that they may approve or not as they think fit." When they had "heard the report of the Committee and considered the rolls produced, they then thought fit that ane hundred merks should be allowed for outputting ane foot man with complete arms, clothes, forty days' loan, proportion of baggage horse, and harne[1] for tents; and they ordained billets to be casten in the afternoon and sent to every one" who was not to go out, intimating the proportion which he would have to pay; and instructed "the treasurer to try quhair he could find any cloth to be clothes to the sogers, and to sattle the price at the easiest." This company when made up consisted of "ane hundred and aught men" and the officers, "forbie a drummer and a master-at-arms."

The municipal government of the town no doubt suffered much by the deposition of Wedderburn from his office of clerk. The judgment and experience which enabled him to guide the counsels of the

[1] Canvas.

burgh with prudence, were especially needed during this trying time of civil disorder, and the commonality as well as the Council much desired his return. After Charles was crowned at Scone, and Parliament had removed the disabilities imposed upon the friends of the late King, it was only fitting that one who had served them both with faithfulness should be restored to his office. "In presence of the Council compeirit David Tendil, collector of the crafts, assistit with the haill deacons thereof, and declairit that it wes their earnest suit and desire that Sir Alexander Wedderburn of Blackness,[1] knicht, their clerk, should be reponit to his place of the clerkship. Quhilk desire the Council fand reasonable, and therefore they all in ane voice, with consent of the crafts and of Thomas Wichtan, late placed clerk, reponit Sir Alexander in and to all dues and privileges belonging to the clerk's office." Immediately preceding this minute, is a memorandum by Wedderburn, which could only have been made after he himself was reinstalled, but has evidently been placed there as a protest that his right to the clerkship had not lapsed by the act of deposition:—"The quhilk day Sir Alexander Wedderburn, clerk of Dundee, with the consent of the haill Council, having sufficient experience of the fidelity and qualifications of Thomas Wichtan, notar, be thir presents nominates him to attend the office of clerkship, and to do everything quhilk is incumbent thereto as freely as Sir Alexander may do himself, and that induring his absence; and wills Thomas to remain ay and quhill he be dischairgit be him."

1651. Jan. 14.

By a curious coincidence, the King himself, a few days later, expressed his desire that Wedderburn should be restored to his office. The Council received "ane missive letter sent from the King his Majesty, written with his awn hand, dated at Perth the 17th of January, quhairin he desired the re-establishment of the clerk to his place," and they "thought fit the letter be layed up and preserved." This letter bears testimony to the King's regard for the clerk:—

Jan. 21.

"Charles R.

Trusty and well beloved, Wee greet you well: Whereas Sir Alexander Wedderburn of Blacknes is of so Knowne abilities to

[1] He had shortly before this acquired the lands of Blackness

discharge the Office of Clerkship in your towne, from the which he hath been debarred, or at least retired himself these few years bygone without any necessity or publick command, and wee now conceiving that his re-establishment in the said place may be verie usefull to our service and the good of that Towne, Therefore we desier you to restore him to the full and free enjoyment of the said place, which we will accept as very good service done to us: So wee bid you farewell. From our Court at Perth this 17th of January, 1651.

For our trusty and well beloved
the Provost, Baylies, and
Counsail of Dundie."[1]

The King was in the town a few days after this, as we learn from a letter, recently found in Panmure house, addressed by Lord Brechin to his father, Lord Panmure.

"My Lord,

The Lord Chancelour and his Ladie[2] came here yesternight. My Lord, I thinke, resolves to come and dine with you tomorrow, and return here at night. The King is to be here tomorrow at night. Thus I rest

Your humble sone and servant,

BRECHIN.

Dundé, 4:
feb., 1651."

By this time Cromwell had gained possession of the whole of Scotland south of the Forth, although the royal forces occupied a strong position in the neighbourhood of Stirling—that historic battle-ground on the northern highway where oft times a stand has been made against invasion. But supplies for the army could only now be gathered from a limited area wherein the resources were already well nigh exhausted. When Robert Davidson returned to Dundee from the meeting of Parliament at Perth, he reported "that there was ane Committee appointed for managing the war, which shall only be

1651. MAR. 29.

[1] Printed in Mr. Hay's Charters and Writs of the Burgh.

[2] John Campbell, the Chancellor, married in 1620, Margaret, Baroness Loudon in her own right, and in 1633 he was created Earl of Loudon.

comptable to the King and Parliament, and ane Act passed for twenty days' provision for the army, by and attour the forty days already advanced." Then the Council, "having considered the money quhich was demanded of them, did find that ane present course must be taken" by borrowing sufficient "to pay two thousand five hundred and twenty pounds for the maintenance assigned to the General of artillery, twelve hundred and sixty pounds for the King's use, eight hundred pounds for cloth to the garrison of Stirling, and two hundred pounds for shools[1] to the army," besides "six hundred pounds for twenty days' more provision to their own company." Although this contingent formed part of the army, they still had to send supplies for it, and, some weeks later, when preparations were making for the invasion of England, they received "an order for providing ane baggage horse for every fifteen of their foot company under Captain Davidson his command;" and, in compliance with this, "they, seeing that the Captain acknowledged the receipt of four baggage horse, agreed that money according to the Act be given for three horses and ane fifth pairt of one;" and so had equipped their company for the march to Worcester.

On account of the scarcity of coin, the Estates made an attempt to enhance its value by passing an Act "for heighting the spares of gold money"—otherwise, "for the crying up of money, and stopping the exportation thereof;" and, as the mint at Edinburgh was in the possession of the English army, they took measures for making coin elsewhere. Dundee had been well fortified, and was considered to be so strong that much wealth had been carried thither from other places for security against the rapacity of the enemy, and it was resolved to re-establish the mint there in the building which it formerly occupied, but which for some time had been partly used as dwelling-houses. On March 31st, "his Majesty and Parliament appointed a Committee to sight and consider the house in Dundee appointed to be the coyne-house, consider the repairing thereof, and accordingly to grant precept not exceeding two thousand merks."[2] But before the house could have been made ready the town was itself in peril, and in a short time the King's authority and prerogatives had come to an end.

The strong position held by the royal army at Stirling proved to

[1] Shovels. [2] Act. Par., VI. ii. 661.

be so formidable to Cromwell, that he endeavoured to effect a flank movement, and sent a number of gunboats to attack the coast of Fife upon the Forth, in order, if possible, to open a way for landing an army there. Strenuous efforts were made to gather forces for resistance. 1651.
"Ane letter was received by the Council from the Committee of the Ap. 21.
shire of Fife, subscryvit be the Laird of Fernie, requesting the town to send ane company of neighbours to enable them to defend their coast for some few days; and they in ane voice agreed" to do so, and ordained "this desire and the town's intention to be intimat be the drum, and ane company to be ready again to-morrow." But, notwithstanding this peremptory order, the men were not got ready, and after ten days Chancellor Loudon sent a pressing letter, wherein he reminded the Council "how readily the shire and towns of Fife, in the times of" their own "former troubles, did give all the assistance which they were able," and expressed a hope that no argument would be needed to induce them to send the aid required.[1] And they did at once respond May 5.
with good intentions; for, when the "letter was produced requiring the town to send over to Burntisland with all diligence two hundred foot sogers, with complete arms and officers, for securing and guarding of that place until the regiment ordained to be levied for garrisoning it" should be made up, "they all in ane voice agreed to obey, and, for the speedy promoving of the service, they nominat officers of two companies, and, for the manner of raising the men," instructed "the Captains to give the proportional pairts and numbers as hes been formerly in use;" and, after a week, ordained that "all who are enrolled to go to Burntisland be required by the drum to be in readiness to march to-morrow."

But they were not marched off the next day, nor for two weeks. The Council were evidently unwilling to send away their fighting men, for they had probably been looking for the enemy's gunboats off the shores of Tay, and so waited cautiously. But "there wes a letter from the King's Majesty producit, dated the 20th day of this instant, desiring that presently they would send their town's companies of sogers to Burntisland, sufficiently providit with ammunition, powder, and ball, there to attend upon the public service, on the town's expenses,

[1] Printed in Mr. Beats' Municipal Hist. of Dundee.

until the shire relieve them upon the first day of July; in obedience to which, the Council, for better forderance of that service," agreed "presently to uplift twa months' maintenance to be distribute amongs the companies for their outreik, and to ilk soger daily [six] shillings, and that the companies shall presently march, and the drum to mak intimation throw the town thereof." And they were marched off this time, probably the more readily because of "ane precept, which the clerk produced, for allowing quhat shall be given for their entertainment in the first end of the public dues." They were, however, sent away without the promised supplies, and "it was concludit that ane letter be written to the magistrates of Burntisland" desiring them "to give quarter to the companies who are there at six shillings per diem, and to assure them that the town shall refund the same." But this assurance had not been considered satisfactory, for the desired advance was not made, and "ane letter came from Major Edwart, shewing the hard condition" the men "are in, and requiring some speedy course to be taken for supply." On this, the Council "agreed that ane thousand merks shall be presently sent to them, and that it shall be taken out of the excise, but refunded back in the strictest manner."

1651. June 9.

When the end of June arrived, the regiment that was to replace the town's companies had not appeared, and the Committee of Estates instructed the Council to continne the occupation with a full proportion of men for another month. So it was "concludit that there shall be presently levied forth other two companies of men, to abide at Burntisland until the first day of August, for relief of those wha are there presently and have abidden ane month;" and Sir Thomas Mudie, the Provost, and some others were instructed "to convene to design those wha shall go forth to the expedition."

May 12.

The royal army was not only crippled by the want of men, but it also continued to suffer from the lack of money. "Ane letter from the King's sacred Majesty, dated at Dunfermline, was produced and read to the Council, quhich contained ane desire to the town to advance, be way of [loan,] ane thousand pounds sterling upon either private or public security, and quhairin his Majesty offered the engagement of his private rents, customs, imposts, or other casualties for repayment." They at first entertained the proposal, and "thought,

as the readiest way to obtain the money, that particular persons be required to condiscend to len particular soums upon the town's security, and the King's security to be taken for the town's use." But as the King's security was at this time of rather doubtful value, they, on second thoughts, judged it proper to send Sir Alexander Wedderburn to Stirling, where Parliament had then assembled, in order to ascertain if any of the other burghs were to agree to such proposals. At his return, "he made report of the prosecution of the instructions sent with him concerning the thousand pounds sterling which the King desired in borrowing, and declared that he had informed himself that the remanent borrows are not to len any money to his Majesty upon the security proposed, in regard there is now ane Act of the Estates concluded, ordaining all the lieges to contribute voluntarily for the necessities of the army." By this Act "for the voluntar loan of money, collectors were appointed, first to go throw the members of Parliament that they may every man subscryve what they are to len, and afterwards to others."[1] When the collector came to Dundee, the Council themselves readily responded to the call, and "all who were present did begin to put their hands to the book of the voluntary contribution, and the book was then delivered back." They likewise made an effort, in a rough fashion, to recover arrears of taxes for the public use, by "dealing with Lieutenant Colonel Libberton to spare three roll of his troopers, that they be quartered upon the deficients of bygone maintenance;" and they endeavoured to obtain payment of "the King's mails," which had not been collected "these bygone four years," by ordaining "ilk Bailie in his awn quarter to uplift them." Little would, however, be raised by these means, and the voluntary contribution proved to be a failure. But the money was sorely needed, the royal treasury was exhausted, and Charles made yet another effort to borrow.

1651. JUNE 12. Lord Cochrane came before the Council, "and producit two letters superscryvit be his Majesty, ane thereof, dated the ninth of June, desiring the magistrates to convene the Council that they might know from the person intrustit be his Majesty, quhat his pleasure is" and what is "desirit thereby, and the other of the said letters, dated the

[1] Act. Par., VI. ii. 675.

tenth June, desiring" the town "to advance his Majesty some money upon real security for forderance of the work presently in hand; for which effect the Lord Cochrane was direct to speak to them, and to report to his Majesty ane answer." The work in hand was the expedition into England which had then been determined on; but neither the King's letters nor Lord Cochrane's arguments influenced them to consider the proposal with favour, and they met it evasively by declaring "that they could mak no perfect answer to the desire of thir twa letters, in respect that the Council were not in full number met, but would use all diligence to mak ane answer." Whatever reply was given, no loan appears to have been made, for stirring events rapidly followed, and the town itself was soon in sore trouble.

The gunboats had been beaten off at Burntisland, but at North Queensferry the Commonwealth forces effected a landing, and, having worsted some of the Royalists at Inverkeithing, they made a way through Fife by which Cromwell carried his army to Perth, and gained a commanding position in the rear of the Scots. This movement, however, opened to the Royalists a clear road to the south, and the young King, who possessed the courage which distinguished the Stuarts, seeing that his opportunity had come, at once made a dash for the English border upon his cherished enterprise, and Cromwell, balked for the time, followed after in hot pursuit, leaving General Monk with a small army to complete the subjugation of Scotland. This looked ominous for Dundee, and the Committee of Estates, judging that all the burgesses would be needed for the town's defence, relieved them from the exaction of the shire, by "dispencing with the men claimed by my Lord Spynie to be put furth in the levy."

THE TOWN BESIEGED AND STORMED BY MONK.

Dundee was now almost the only town of consequence which held for the King. To it as to a place of refuge and security many Royalists had fled, carrying with them the valuables which they had saved from

the Commonwealth soldiers, for its walls were reputably strong and its burgers were undoubtedly brave, and there was hope that it would be able to withstand the enemy. Immediate efforts were made to strengthen the defences, and a portion of the troops which had been engaged with the enemy in Fife, was sent to the town under the command of "General Major Robert Lumsden of Montquhanie," a good and a valiant soldier who had already distinguished himself in the Civil War, and had been thanked by Parliament for his services.[1] Cromwell having ordered the gunboats, after their operations in the Forth, to proceed round the coast of Fife, it was expected that the town would be attacked from the river, and some heavy guns were planted in the best defensive positions. "The Council, being convened for putting the town in ane posture of defence, thought it necessary that the greatest ordnance be placed at such places upon the sea side as shall be most requisite, and intrusted the care of the execution thereof to" some men of judgment. They also appointed others "to make inspection quhat ammunition there is in the magazine, and to tak the best means they can to try and secure quhat there is in the town or within the harbour thereof;" and they ordained "Gilbert Guthrie to attend the helping of the fortifications, which the magistrates promised to assist [by] the bringing furth of the women with barrows for carrying faill," or turf for protecting the defences. After two weeks, during which the enemy was approaching, additional "persons were nominat to attend upon the helping and re-edifying of the fortifications, and to use ane speedy dispatch for that effect." It was found that the walls possessed serious defects, being "waik in sindrie pairts and not sensible to defend [the town] fra the invasion of the enemy, so that it will require present moneys to repair them, therefore the Council, all in ane voice, concludit that there be presently upliftit aff the inhabitants two months' maintenance, to be applyit to the bigging, beiting, and repairing of the fortifications, and to begin this day the collecting thereof."

1651. JULY 21.

Some of the buildings outside the walls, which had before been condemned as being likely to give shelter to assailants, were still standing, but as, "be an Act of the Committee of Estates, the Council

AUG. 3.

[1] Act. Par., VI. i. 794.

had order grantit to them to put their burgh in security from all invasion of the enemy and to remove all impediments that may hinder the same, and, considering that the town can not be put in ane reasonable security unless the haill houses in the Wallgait, Cowgait, and without the Seagait Port be presently slichtit[1] and demolishit, therefore they orderit John Milne, elder, mason, and Robert Straquhan, wricht, to pass to the ground of the said lands, and there comprys[2] the haill houses—ilk man's land severally be itself—quhat they are worth and the present estate and condition thereof, and report back again the same to the Council upon their gryt aith under their subscription." But the next day "the heritors of the Wallgait and Cowgait made a supplication concerning ane delay in demolishing of their houses, conform to ane prior act," and the consideration thereof "was continuit until the morrow."

We do not know what was done with regard to casting down these houses, for there are no further Council records of the preparations for defence, or of the siege—the last to which any walled town in Britain was subjected. The Castle of Stirling had withstood Monk for only a few days, and, by the middle of August, he, with a force of about four thousand horse and foot, made his appearance before Dundee.[3] His chaplain and biographer, Dr. Gumble, says:—"The town being summoned to yield, the Governor, Robert Lumsden, a gentleman of a brave spirit, returned answer that if the commander and the rest of the English forces would lay down their armes and submit themselves, he would give them passes to return peaceably to their own homes; which was an impertinent piece of gallantry at that time to tender safely to them that were able to give; and this did much irritate the besiegers, so that presently they fall to work with the town."[4] Lumsden's reply is very bold and defiant:—

"Sir,

We received yours. For answer thereunto we by these acquaint you, that we are commanded by the King's Majesty to desire you and all officers, soldiers, and ships that are at present in arms against the King's authority, to lay down your arms, and to come in and join with

[1] Dismantled.
[2] Value.
[3] Ludlow's Memoirs, I. 366.
[4] Life of Monk, 42.

his Majestie's forces in this kingdom, and to conform and give obedience to his Majestie's declaration sent you herewith; which if you will obey, we shall continue, Sir, your faithful friend in the old manner.

ROBERT LUMSDEN."[1]

The "declaration sent herewith," was "a proclamation emitted from the Committee of Estates from Dundee of the 20th August," which, along with "the answer of the Governors of Dundee to the summons of Lieutenant General Monck, was sent in a letter of 28th August from the leaguer before Dundee to the Lord General Cromwell; which papers were read in Parliament the 9th September, and ordered to be kept in record."[2] This "proclamation emitted from Dundee," which is endorsed as having been read in Parliament, is now in the British Museum. In it the Committee of Estates declare that they feel bound to bestir themselves against the perfidious enemy who have subverted religion and murdered their late dread Sovereign; and, as his present Majesty has recently marched at the head of the forces into England against them, they call on all who have any sense of religion and loyalty, to rise at once in arms "to free the kingdoms from the oppression and tyranny of this handful of the wyldest of men that are yet left within the same;" and, in regard they "are informed there be many people of all ranks, belonging to that pairt of the kingdom besouth Tay, who, notwithstanding they be weill furnished with horse and armes, have fled north and are lurking in corners," they ordain all such to present themselves by the last day of August "before the Committee, wherever they may be," failing which, course will be taken against them. The proclamation bears the autograph of "Arch. Primrose, Cle^{s}."[3]

The Committee of Estates fired no other shot after issuing their declaration, but, having succeeded in leaving the town and evading the

[1] Printed in Dr. Small's Account of Dundee.

[2] Parliament at Westminster. Act. Par., VI. ii. 770.

[3] Egerton MSS., fol. 141. I regret to find that the answer of Governor Lumsden and the letter of General Monk do not now accompany the proclamation; and a search made for them and other dispatches, sent at this time from Dundee, in the State Paper Office and elsewhere has proved fruitless. The Governor's letter, as printed by Dr. Small, bears internal proof of authenticity, but it is to be regretted that the Doctor has not indicated the place where it was to be found.

enemy, they hovered in the neighbourhood trying to procure succour, and "used their endeavour to raise the siege." Monk, having information of their proceedings, sent after them a troop of dragoons, and these by an adroit swoop captured the whole body at Alyth, and so made an end of the Committee. The veteran "General Leshly, some say, was taken out of a cubbard there hidden, upon the English entering; but they do the gentleman wrong, for it was a Dutch bed which hath shuts; the best that obscure place could afford such great persons." This was a lucky find for the troopers, for they also seized what was left in the national purse, "many of them getting four hundred or five hundred pounds a piece, and all of them very considerable sums."[1] An account of this capture reached the Council of State at Whitehall, on the 4th September, in a despatch from Desborow, which describes the affair as "the action of 28th [August], the place about 8 [? 18] miles from Dundee." On the same day they reported it to Cromwell—who had just been delivering a fatal blow to the King's army at Worcester—and say, "The news we received some few hours before the receipt of the happy news from your Lordship" of the "signal mercy God hath been pleased to bestow upon this Commonwealth by the great success given to the forces under your command; [and we do] not doubt but he will finish what remains, and crown all by giving us humble and thankful hearts for these and all the rest of his mercies, and a through conformity to his will, who continually goes out in such overflowings of goodness towards us—an unworthy people."[2]

The retreat of the Committee did not discourage the inhabitants, although "the ministers wer very averse from holding out the town, and wold had it rendered;"[3] but Sir Thomas Mudie, the Provost, with his staunch Bailies and brave fellow-burgers resolved to hold out for the King, and they supported Lumsden in his determination to make a good defence.

On September 1st, after about two weeks siege and bombardment, in which the gunboats had, no doubt, borne an active part, General Monk, taking advantage of information which he had obtained, "that

[1] Gumble, 44.

[2] MS. in State Paper Office, I. 96, p. 502.

[3] Balfour's Historical Works, IV. 315.

at nine a'clock the strangers and soldiers"—the Fife men probably—"used to take such large morning draughts that before twelve they were most of them well drenched in their cups," gave orders for the assault. "Both horse and foot fell on, and after a short but sharp resistance he mastered the town, and in it the Governor himself was slain."[1] The burgers made a brave resistance, contesting the advance of their assailants in hand to hand fight. Being overpowered, many of them, along with the gallant Lumsden, took refuge in St. Mary's tower, and there remained at bay. Cannon were brought to bear upon the noble pile, but the shot only left some scars on its stalwart sides. The defenders, however, "were smothered out by the burning of wet straw,[2] and then they yielded on mercy to one Captain Kelly, who was carrying the Governor to the General with purpose to intercede for his life, because of the gallantry of his behaviour in defence of the town, but as he was going with him one Major Butler barbarously shot him dead."[3]

From the concurrent testimony of contemporary historians, there can be no doubt that the storming of the town was a scene of unlicensed brutality and carnage. Certainly Gumble—whose work is a special pleading for his hero—only owns to plundering, but others are more explicit, even charging Monk with having "commanded the Governor, with divers others, to be killed in cold blood,"[4] and asserting that he "put all to the sword that were found in arms."[5] One says that "he commandit all of quhatsumever sex to be put to the edge of the sword," that "there were eight hundred inhabitants and soldiers killed, besides about two hundred women and children," and that "the Governor was cruelly killed after quarter was given to him;"[6] and another alleges

[1] Gumble, 44.

[2] The tower had probably been set on fire. At its recent restoration by Sir Gilbert Scott, when the floors were being renewed, it was seen that the interior had been subjected to the action of heat. We know that it was burned in 1548, but it is likely that it was also set on fire at the siege; for, in Slezer's view of the town, taken thirty years later, the cape house is shown to be roofless, and, in 1652, James Alisone, hammerman, was instructed to visit the clock and arrange "that materials quhich are wanting may be provided." When some of the large stones in the south wall were being replaced, it was found that they had been shivered by the dints of shot.

[3] Baker's Chronicles, 542.

[4] Ludlow's Memoirs, I. 366.

[5] Baker's Chronicles, 542.

[6] Balfour, IV. 315.

that "the enemy coming in furiously upon the people, puts all that were found outwith doors to the sword both men and women."[1] These testimonies confirm the bloody story of the assault as told by tradition, and make even its worst details credible; and the recklessness of the slaughter is attested by the many bones which yet lie around the tower, where the massacre was chiefly made, not decently buried, but roughly covered up in heaps at the places where the victims fell.[2]

Guizot says that Monk had received from Cromwell "the example of his own conduct in Ireland, and probably some instructions to follow it." With him "weakness was not always a protection, nor valour always respected." When he "put Lumsden and eight hundred of the garrison to the edge of the sword in cold blood, a general outcry arose against the barbarity. . . . . But the insensible policy succeeded in Scotland as in Ireland; all submitted."[3] Carlyle says, "Governor Lumsden would not yield on summons; Lieutenant General Monk stormed him; the town took fire in the business; there was once more a grim scene of flame and blood, and rage and despair, transacted in this earth; and taciturn General Monk, his choler all up, was become surly as the Russian bear."[4] He was no magnanimous enemy, and probably, amid the carnage of the storm, would not himself have given Lumsden his life. Dr. Small, writing in 1792, says that the head of the Governor "was cut off and fixed upon a spike in one of the abutments of the south-west corner of the steeple, and till a few years ago, when the stone where the spike was inserted fell down, the remains of it were observable."[5] That this indignity was done to the brave man, accords only too well with the fierce character of the Civil War to leave room for doubt, but that the head was suffered to remain upon the tower—a hideous and ghastly spectacle—after the time of

[1] Nicoll's Diary, 58.

[2] About seventy years ago, when the houses on the south of the church grounds were removed, many bones were found beside them. At the restoration of the tower, when the scaffold poles were being placed, the skeletons were lying so closely at its base and had such little covering of earth, that it was necessary to remove some of them before the ends of the timbers could be rested. And recently, several heaps of bones were found under the floor of the Steeple Church, behind the site of the old Music School. As the place was never used as a burial ground, we may conclude that all these are relics of Monk's bloody work.

[3] Life of Monk, 22.

[4] Cromwell, II. 298.

[5] Account of Dundee.

the Restoration, when the current of public feeling had changed, and when we know that the scattered members of the Marquis of Montrose, that other good servant of the King, were reverently gathered together and buried with honour, seems to be altogether incredible.[1]

Amongst the burgers who fell in the fight, were Bailies Walter Rankin and Robert Davidson, elder. The latter had often been called upon to fill places of trust, and had represented the burgh in Parliament, at the last meeting of which he was named one of the Committee of Estates. He did not, however, follow that body to Alyth, but remained with his neighbours to do his duty. The Latin inscription on the stone over his grave in the Howff, as translated, tells that he, "while resolutely and bravely fighting for the town, was mortally wounded by the enemy, and rendered up his life for his fellow citizens, the Kalends of September and year of human redemption, 1651." Another notable and worthy man, George Broun, who too had served the burgh in Parliament, had been different times a magistrate, and was then a councillor, also lost his life. His tombstone records that "he was mortally wounded by the enemy in the heat of fight, of which wounds, having become faint in fighting, by death he paid his debt to nature and to his city and country on the second of the Nones of October, 1651."

The annalists tell us that the spoil of the town was of great value. "It is reported by credible men that the English army had gotten

[1] When the pavement on the ground floor of the tower was being placed at a lower level, underneath it were found some crumbling fragments of an oaken coffer, containing only a broken skull, whereon there had been a steel cap, which was almost all rusted away excepting some portions of a silver band encircling it. This skull, in all probability, was the head of Robert Lumsden, which, after an ignominious exposure of nine years, had here found an honoured resting place. When the pinnacles of the abutments were taken down, it was found that there still were portions of their spikes remaining. A paragraph in the newspapers noticed this, and described the one on which the Governor's head had been. On the following night the iron was wrenched out of the stone and carried off, no doubt, by some amateur antiquary to decorate a private chamber of horrors. But it was then discovered that, through some misapprehension, the description had indicated the north instead of the south pinnacle, and so the fellow, being misled, *had stolen the wrong spike.* These pinnacles, along with some curious sculptured stones, are now placed in the first floor of the tower.

above twa hundred thousand pounds sterling, partly in ready gold, silver and silver wark, jewels, rings, merchandise and merchant wares, and other precious things belonging to the town of Edinburgh, by and beside all that belonged to the town, and other people of the country, wha had sent in their guids for safety to that town."[1] "The plunder and buttie they gatt exceided twa millions and a halffe" Scots.[2] "The soldiers had a very rich booty in this garrison, for it was at this time the richest town in Scotland, and there were sixty sail of ships in the harbour,"[3] which had been blockaded by the English vessels, "then in considerable numbers on the coast."[4] Gumble relates that "the soldiers plundered the town of all its former and newly deposited wealth, which amounted to vast sums, nothing but plate and money was regarded;" and he moralises in a manner becoming one who had seen the error of his former ways, and has dedicated his book to the restored King:—"But see the just judgment of God, most of the wealth being shipped to be transported upon several vessels that were taken in the harbour—there being sixty of all sorts taken—the ships were cast away in sight of the town, and that great wealth perished without any extraordinary storm. Although the laws of war may approve of those outrages and plunderings, yet divine justice does not at all allow, but rather chastise them. Ill got, soon lost."[5]

Notwithstanding that the ministers had tried to induce the authorities to deliver up the town, yet, probably because they had pleaded for mercy to the people, "the choleric and merciless commander wold not hear them speak one word in their awn defence, bot, in a rage, commandit Mr. Jo. Robertson not to speak one word, which if he presumed to doe he wold scobe his mouth."[6] Probably Monk did not treat the minister with this indignity, but, being much incensed at him, and also at Andrew Auchenleck, he sent them along with some others

[1] Nicoll's Diary, 58.
[2] Balfour, IV. 315.
[3] Baker's Chronicles, 542.
[4] Ludlow's Memoirs, I. 362.
[5] Life of Monk, 44.
[6] Balfour, IV. 316. Thomas Carlyle in quoting this passage, (Cromwell, II. 299,) evidently makes a slip in his recollection of the vernacular tongue. He renders the expression as meaning that the General "threatened a slap with the fist;" which is, without doubt, a misapprehension of the words. To scob is to bind up with a splint, and Monk meant that he would gag the minister if he did not forbear speech.

off by sea to London, where they were imprisoned in the Tower. There they remained in a state of privation and want, almost depending for subsistence upon their friends. "The Council, considering the condition of Mr. Andro Auchenleck and Mr. John Robertson, now prisoners at London, resolved they shall be supplied by ane voluntary contribution, and intrusted the collection thereof" to some of their number. A few months later they "appointed Bailie Scrymgeour to go to the Provincial Synod, quhich is to sit at Forfar, to petition them that ane [collection] may be contribut in their paroches for entertainment of the prisoners." At the same time they "dealt with Andro Fairfull to supply the place of the ministry," and also "supplicat the Presbytery for their aid in supplying the dyets of preaching;" for by this time their other minister, John Duncanson, was old and unable for his duties. 1651. Dec. 27.

After the poor men had been confined for more than a year, the Council of State, in November 1652, instructed a "Committee to send for the Scottish ministers, now prisoners in the Tower, before them, and examine them, and thereupon, if they shall thinke fitt, to discharge them from their imprisonment upon reasonable securitie." And "upon the report made from the Committee [on] the several cases of Mr. Andro Auchenlike, Mr. John Robinson," and four other "Scottish ministers, prisoners in the Tower; and upon consideration had of the whole matter, it [was] ordered that they be severally discharged from any further restreynt, and have liberty to repair into Scotland, they demeaning themselves peacably and inoffensively towards the State and Government; and that warrants be issued to the Lieutenant of the Tower accordingly."[1] On being released, they departed for Scotland, and the Town Council, knowing their miserable estate, "concludit that the treasurer sall write to Edinburgh to answer their ministers of money, gif they stand in need, on their journey from England." 1652. Dec. 28.

But although the Council of State liberated John Robertson, General Monk, who then held almost absolute rule in Scotland, had not yet forgiven his free speech at the sack of the town, and on his return again put him in prison to farther expiate that offence. After he had remained there for some months, the Council made efforts to 1653. Feb. 3.

[1] English State Papers, Act. Par., VI. ii. 748.

effect his release, and "concludit that the Provost and Bailies sall this day efter noon go and speak the Lieutenant Colonel," (Ralph Cobbet, who was Governor under Monk,) "for the enlargement of Mr. John Robertson out of prison in the tolbuith quhair he presently is;" and, not expecting any decided reply, they "also concludit that Robert Davidson, younger, sall presently go to Edinburgh efter the Lieutenant Colonel's answer, to deal for Mr. John's enlargement." At the same time, to help the immediate wants of the prisoner, they "ordained the treasurer to pay him, in the first end of his stipend, fifteen pund sterling." His fellow sufferer was also in poverty, and seeing "that they are debtful to Mr. Andro Auchenleck, minister and parson, two hundred and forty pounds, they therefore ordained" that an endeavour be made to ensure "his better payment." Their appeal on behalf of the prisoner proved to be successful, and Cromwell's Council, on March 7th, ordered "that Mr. John Robinson, Scottish minister, formerly released forth of the Tower, and since remanded to prison in Scotland, be discharged, unless any new cause be certified for his longer detention."[1]

For the capture of Dundee and the subjugation of the country, Monk received the thanks of the English Parliament, and "a grant of lands of inheritance in Scotland of the yearly value of five hundred pounds sterling."[2]

The town did not for a long time recover from the heavy blow it had sustained by the merciless slaughter of its inhabitants, and the pitiless plunder of their goods. Its commerce was crippled and its energies prostrated, and during the rule of Cromwell it continued to be a quiet member of the Commonwealth. Richard Franck, who was a captain of cavalry in the army that invaded Scotland, and appears from his acquaintance with the circumstances to have been present at the assault upon Dundee, made another visit to the country in 1656 on an angling expedition, and wrote an account of that peaceful enterprise, which was published some time afterwards. Upon his return journey he passed through the town, and gives a lamentable picture of its sufferings and desolation in language of inflated hyperbole, for which the old trooper might have profitably substituted a plain

[1] English State Papers, Act. Par., VI. ii. 749. [2] English Par., Act. Par., VI. ii. 770.

description. "Deplorable Dundee!" he exclaims, "and not to be exprest without a deluge of tears, because stormed and spoiled by the rash precipitancy of mercenaries, whose rapinous hands put a fatal period to her stately imbellishments, with the loss of many innocent lives, altogether unconcerned in that unnatural controversy. . . . . Can honour shine in such bloody sacrifices, to lick up the lives of inhabitants as if by a studied revenge? Can nothing sweeten the conqueror's sword but the reeking blood of orphans and innocents? There was wealth enough to answer their ambitions, and probably that, as soon as anything, betrayed her. Could nothing satisfy the insatiable sword but the life of Dundee to atone as a sacrifice? Englishmen without mercy are like Christians without Christianity. Disconsolate Dundee! where the merciless conquerour stuck down his standard in streams of blood."[1] In the year of Franck's visit, Dr. William Guild of Aberdeen published a controversial work,[2] and dedicated it to the Council of Dundee, because, he says, "my father had his first being in that town, whose prosperitie I shall ever heartilie wish, and [pray] that the Lord, who hath shown it [such] hard things that it might have said call me Marah, may so sanctifie to it that sad visitation, and prosper that place hereafter, that it may be [called] Naomi;" and, in his good time, "give it beautie for ashes and the oyle of joy for mourning."

[1] Northern Memoirs, 234.

[2] "An Answer to a Pamphlet called the Touch-Stone of the Reformed Gospell, Aberdeen, 1656."

APPENDIX.

THE BOOK OF THE CHURCH.

In the burgh archives there is one volume which is much older than any of the others there, and may be considered more interesting. It is a stout quarto, 11¼ in. × 8¼ in., bound in oaken boards, which have been covered with leather and secured by a brazen clasp. The covering is now much wasted, and the front of the clasp is gone, but the boards are as strong as ever and the binding remains substantial. Fully a fourth of the leaves are of vellum, intermixed throughout, and these are mostly palimpsest—an older writing having been erased from them, of which a few words can at places be deciphered, some, evidently the verbal technicalities of deeds, and others the solemn language of devout invocation. The title, here given in reduced fac-simile, bears that the book is an inventory, made in 1454, of the articles of value in the Church of St. Mary at Dundee, and it is followed by lists of the ornaments belonging to the different altars, arranged so that each altar occupies a leaf. Unfortunately, eleven leaves have been torn out, so that we only find particulars regarding three of the altars, besides the names of three others which have no inventories attached. I have printed all these entries, as well as those which have been made toward the end of the volume by the different kirkmasters, between the above date and 1516, concerning gifts to the altars, donations for the roofing of the choir and building the northern transept, and various matters connected with the Church. About the latter date the town clerk appears to have got possession of the book, and to have copied into it some leases, likewise the indenture made between the Council and James Scrymgeour in 1384, regarding his disputed Constable rights, written in the original Latin and also in a

translation; and thereafter, most incongruously, he has filled up all the vacant leaves with the records of the Burgh Court concerning ordinary cases of debts from 1520 to 1524.

I thought it singular that this volume should have escaped the destruction which befel all the others containing burgh records, at the English occupation in 1548, and endeavoured to arrive at a reasonable surmise as to how this had happened. It will be observed that the words *Franciscus Tolletus ex Societate Jesus* are written upon the title, and I sent a copy of the fac-simile, with a description of the book, to Mr. Henry Foley, the veteran editor of the "Records of the Society of Jesus," directing his attention to the name, and desiring to know if he could inform me whether the writer, who had evidently possessed the volume, had ever been in Scotland. Mr. Foley replied that Francis Tollet, a native of Spain, and "one of the greatest theologians and writers the Society ever possessed," entered that body in 1558, was created Cardinal in 1592, and died in 1596. That during his active life he was sent as Legate to several European capitals, but does not seem to have visited this country. "And," Mr. Foley added, "how his autograph signature (for such it appears to be) is found upon the title of the 'Book of the Church,' a purely Dundee book, is a perfect puzzle."

From a consideration of the circumstances, I have formed a theory which seems to account reasonably for the preservation of the volume and for the Cardinal's signature. The English, who professed that their expedition was undertaken on behalf of the Reformation, held occasional possession of the town during nearly a year. In January they spoiled St. Mary's Church of its valuables, and burned the "idols" there, and it is probable that some one of the dislodged priests had then gone abroad, carrying with him this memorial of the departed glory of the Church—so saving it from the destruction which came upon all of the other records in the following November, when the Councilhouse and the Church itself were burned. It had subsequently, as Mr. Foley surmises, "come into the hands of Franciscus Tolletus, who signed his name on the title, and afterwards, seeing it belonged to the Corporation of Dundee, may have restored it, or this may have been done after his death."

I.H.S. MARIA.

[TRANSLATION OF TITLE.]

Inventory of all the goods and ornaments of the Church of the blessed Virgin Mary of Dundee, made and ordered by an honourable man, Henry of Fothringame, then Provost of Dundee, in the year of the Lord 1454.

MAGNUM ALTARE.

The hie altare of the Kirk of Dunde has twa missalis, ane alde, and ane uther gifin be umquhile Maister Richarde of Crag, vicare of Dunde.

Item, a chalyse of silver our gilt, with a cristale stane in the myddis, and has ther to a spune of silver, with a pokate of lynnyng clath.

Item, thre lang towalis for the altare; ane with a frontale of a blew clath of golde, and ane uther of rede and divers colour, the third has na frontale.

Item, a towale givin be umquhile Henry Robertsone.

Item, twa smal wesching toualis, of the quhilk the Lady preist has ane in keping.

Item, a stand of vestiment of a clath of gold, with tonakillis, albis, and the lafe pertenand ther to.

Item, a vestiment gifin be umquhile Gib Scot, with the tonakill, and ane ald cape pertenand ther to.

Item, a cape of grene colour of alde to the chantouris of the quere.

Item, a vestiment of rede colour, with the albe and the grath pertenand thare to.

Item, a quhyte cape pertenand for the vicare.

Item, twa baldkynis.

Item, a censar of silver, with a schip of brasse.

Item, a tystir.

Item, a vaile for the lentrine with ij cordis.

Item, twa clathis for the sepulture.

Item, twa sudaris.
Item, a wattir clath to hing befor the hie altare.
Item, a clath of arras for to sit on.
Item, twa coddis of silk.
Item, twa clathis for the letrownis.
Item, thre beltis.
Item, twa crowatis of tin.

[Three leaves wanting.]

ALTARE SANCTE CRUCIS.

In primis, a messale claspyt with silver.
Item, a psaltar coveryt with a selch skin.
Item, a silver chalyse, with a patene gilt.
Item, a crowat of silver.
Item, a Pax Bred of silver.
Item, a gould ring, and thre stanys set in silver.
Item, twa albis, twa chesapillis, with stolis, phanonis, amytis, and beltis thare to.
Item, twa lang towallis for the altar, and a wesching towale.
Item, twa corporalis sic as thai ar.
Item, a crowat of tin.
Item, twa lytill chandlaris, and a mekill chandlar.
Item, twa kistis, the tane is lokkyt, the tother unlokkyt.
Item, a lang saddill standand at the altar end.

[Seven leaves wanting.]

ALTARE SANCTE KATERINE.

In primis, a frontale of clath of gold, with the towall thare to.
Item, a rede frontale, with twa towallis.
Item, a vestiment of rede colour, with al grath pertenand thare to.
Item, a grene vestiment of burde Alexander, with al grath pertenand thare to.
Item, a new vestiment, gifin be umquhyle Maister Richarde of Crag, vicar, with al grath pertenand thare to.
Item, a messe buke notyt and claspyt with silver.
Item, a chalyse of tin, with a spune of silver.
Item, a round kyst for the keping of the grath.

Item, twa crowatis of tin.
Item, a wesching towale.
Item, a corporale.

[One leaf wanting.]

ALTARE SANCTI THOMAS MARTIRIS.

[No entries.]

ALTARE SANCTI JACOBI APOSTOLI.

[No entries.]

ORNAMENTA ALTARIS SANCTI MICHAELIS ARCHANGELI.

[No entries. The other altars were dedicated to St. John the Baptist, St. Agatha, St. Towburt, St. Andrew, St. John the Evangelist, St. James the Less, St. Severus, St. Thomas the Apostle, and probably St. Ninian, St. Gregory, and St. Colme.]

REDDITUS PREDICTI ALTARIS.

In primis, fyve sellaris and twa loftis of the tolbuth, in manibus wille totum domus.

Item, of the land of umquhyle Low, armorar, lyand in the Ratoun Raw on the north half betwix the land of the larde of Grantulye of the west half, and Johne Watson on the est half, xlvj^{s} viij^{d}.

Item, in the Murrai gate, of the land of Thom Cowpar lyand on the north half betwix the land of Sym Cowpar on the west half, and the land of Thom of Spalding on the est half, vj^{s} viij^{d}.

Item, of Sym Lytstaris land on the west half the land of the forsaide Sym, and on the est half Will of Ferne, x^{s} in the yere.

Item, of Will of Fernys land be syde it betwix the sade Sym Lystaris land on the west half, and the land of Andro Creukschank on the est half, x^{s} in the yhere.

Item, of Andro Krukschankis land forsaide lyand on west half of the Horsse wynd, in the yher, x^{s}.

Item, in the Cowgate, of Androu Cochranys land, in the yher, vj^{s}.

Item, of Kay the cutlaris land in the samyn gate, iiij^{s}.

Item, in the Sey gate the land of umquhyle the larde of Kynarde, hale obtenyt to the altar.

Item, of Wat of Grynlaw land in the samyn gate, vj^{s} viij^{d}.

Item, of Sym of Fernys land in the Sey gat, xiij^{s} iiij^{d} in the yer.

[LEAD FOR THE ROOF.]

Anno Domini, m° cccc° sexagsim° primo, George of Spaldyng has deliverit and gyfin, with the consent and assent of Patric Barber, a brew led that wes in Patric Barberis land to the thekyn of the queyr, the quhylk led wes gyfin in presens of John Scrymgeour, Alderman, George Brown and David of Balbirny; the quhilk Patric has quit clamyt the said George of the said led for ever.

[GUARANTEE AGAINST DAMAGE FROM WATER.]

The v day of the moneth of September the yer of God j^m^ cccc° sexti and sex yeris, Jak Scrymgeour, George Brown, and Wil Lorymer wes callit be foyr Robert Grahaym, Alderman, the Bailzeis, and Counsel, the quhilk personis had tane the comon land on the north half of our Lady hous, the quhilk personis ar obillist at our Lady hous sal tak na venderwatter throw thaym.

[A BOND FOR A PRIEST.]

Wat of Muncur, armurar, is suirte for Sir Nychol Segden that he sal not wer the organis, to the quhilk he has suorne in verbo saserdocie.

[ENGAGEMENT OF A SINGER.]

The yer of God j^m^ cccc° sevinte and fouyr yeris, the feyrd day of July, Wilzam Monorgund, Deput to the Preuost, sitand in the tolbuth and with hym the thre Balzeis sitand in Court, with the maist part of the Counsel, James of Foulartoun, Wilzam Neuman, Thom of Seras, and Wat of Muncur, armurar, with the dekyns of the craftis and divers craftsmen beand in the tolbuth, with all thar essents promittit at tha suld fe John Singar to sing in the queyr for a yer, and tha til pay hym his fe.

[GIFT OF SILVER FOR A CROSS.]

Memorandum iiij° die mensis Februarii Anno Domini m^mo^ cccc^mo^ lxxxij, in pretorio de Dunde, Duncanus Barry, magister fabrice Ecclesie de Dunde tempore quo Jacobus Fullerton erat Prepositus, confessus fuit se recepisse et actu nunc habere quatuor libras et decem vncias de pondere trojani boni argenti, ex donacione Isabelle, relicte quondam David Spalding, ad fabricam vnius crucis fabricande ad vsum Ecclesie predicte, prout continetur in quadam Indentura sibi tradita; quod recepit dictum argentum in custodia, et promisit deliberare dictas

quatuor libras et x vncias argenti ad fabricam dicte crucis tantum ad mandatum Prepositi Ballivorum et Consilii prefate Isabelle, presentibus jam pro tempore David Rollok Preposito, Willolmo Monorgund, Georgio Spalding, Johanne Scrimgiour, Alexandro Ogilvy, Johanne Alani, Jacobo Fothringham, de Consilio, magistro Henrico Barry et Roberto Seres clerico communitatis; super quibus Prepositus peciit instrumentum—

HENRICUS BARRY notarius publicus manu propria.

ROBERTUS SERES eciam notarius publicus manu propria.

[TRANSLATION.]

Memo: on the 4th of February 1482, in the court house of Dundee, Duncan Barry, master of the work of the Church of Dundee, at the time when James Fullerton was Provost, confessed to have received, and that he now had, four pounds and ten ounces troy weight of good silver, by gift of Isabella, relict of the late David Spalding, for making a cross for the use of the foresaid Church, as is contained in a certain Indenture delivered to him; that he received the said silver in keeping, and promised to deliver the said four pounds and ten ounces of silver for making of the said cross, only at the command of the Provost, Bailies, and Council, and of the foresaid Isabella: There being present at the time, David Rollok, Provost, etc.

[OFFERINGS TO SAINT TOWBURT'S ALTAR.]

The xvj day of August, the yere of God j^{m} iiij^{c} lxxxvj yeris, Johne Recbertson, dekyn of the baxtar craft of Dunde, Robert Crukschank, Androu Buchan, Andro Malcomson, and the laif of the craft has bocht, of the almous and dewiteis of the craft, fra Thomas Turnour of Sanct Johnstoun, a messe buke new writtin and bundin, and has offerit it to Sanct Towburtis altar within the parish Kirk of Dunde, thar to remane for evermair. And has ordand and decretit amangs thaim that nother the said messe buke, nor the silver chalyce owr gylt, the vestment of sylk, the vestment of bukkasy, nor the chandellaris quhilkis tha haff conquest til the said altar, be analyit, wedset, na put away fra the said altar, be the chaplan na nane utheris for na kynd of necessite; and the Preuost and Consall has promyttit to maneteine and defend thar giftis forsaid, and has ordand me, Robert of Seres, common clerk and notar public, to act this in this buke.

THE GRAYTH OF THE PROSSESSION OF CORPUS CHRISTI, DELIVERIT SIR THOMAS BARBOUR.

In primis, xxiij of crownis.
vij Pair of angel veynis.
iij Myteris.
Cristis cott of lethyr ,with the hosse and gluffis.
Cristis hed.
xxxj Suerdis.
Thre lang corssis of tre.
Sanc Thomas sper.
A cors til Sanc Blasis.
Sanc Johnnis cott.
A credil, and thre barnis maid of clath.
xx Hedis of hayr.
The four evangellistis.
Sanc Katrinis quheil.
Sanc Androwis cros.
A saw, a ax, a rassour, a guly knyff.
A worm of tre.
The haly lam of tre.
Sanc Barbill castel.
Abraamis hat and thre hedis of hayr.

[A CHAPLAIN'S FEE.]

The yere of God j^{m} iiij^{c} nynty and sex yers, the Preuost and Counsall has assignyt the annuall rent of xxxviij^{s} that pass furth yearly of David Oliferis myd land that Matho Afflec dwellis in till, and ij^{s} of annuall of the ruid next be est that, till be gevyn till Henry Oliferis fee at Witsonday and Mertymes yerly quhill he be promowyt till ane chaplanry, efter the tenor of the townys band that thai haf gevyn hym thair upone; becaus the said annuall pertenys till oure Lady, and the Preuost has gevyn command till the kirk maister till allow yearly the for said xl^{s} of annuall to the said Henry, quhilk sall be allowit in his compt.

THER AR THE PERSONIS THAT HAS PAYIT FOR THAR LAYRIS IN THE KYRK, THE QUHILK SILVER WES GYFFIN FOR LED TIL THEK THE QUEYR.

Thom of Carnkors has payit for his layr and his wyffis in the Kyrk thar of, tua chandillaris to the he altar.

James of Carail has deliverit viij stane of led to the thekyn of the queir, and the said James and his wyff sal have thar layris in the Kyrk for that led.

Androw Blak has gyfin xx^{s} to the thekyn of the queir with led, and he sal have his layr and his wyfis in the Kyrk for that xx^{s}.

Wat of Clogstoun sal have his layr and his wyfis for xxx^{s}; thair of payit xv^{s}, and sync payit uthyr xv^{s}.

George Brown has gyfin xx^{s} to the led of the queyr, and for that he sal have his layr and his wyfis in the Kyrk.

John Elleis has gyfin to the led of the queyr xxx^{s}, and he and his wyff sall have thar layris in the Kyrk; herof payit bot xx^{s}, and syne payit x^{s} efter.

Mechel Webster has payit xxvj^{s} and viij^{d} to the led of the queyr, and he sal have his layr and his wyffis in the Kyrk.

Ewot of Barre has payit x^{s} for hyr layr in the Kyrk.

Thomas of Fyff has payit j mark for his layr in the Kyrk or be foyr Sanc Androwis altar, becaus he is chapillane til Sanc Androw.

Dic of Barre has payit xx^{s} for his layr and his wyfis in the Kyrk.

James of Camse and his wyff Anne sal have thar layr in the Kyrk, and tha sal pay xx^{s}; thar of payit x^{s}, and he sal pay the tuthyr x^{s} be the Assumcian of our Lady.

Wil Elleot has payit til Malcom of Duchyr for his layr and his wyff in the Kyrk, xx^{s}.

Robert of Barre has payit for his layr and his wyfis to the lathyn of the queyr, and in led to the thak of the queyr.

Robert Child has payit til the led of the queyr for his layr and his wyfis in the Kyrk, xx^{s}, the quhilk he has deliverit til James of Carail, kyrk master.

Nychol Fleshar of the Ferre, has payit for his layr and his wyfis in the Kyrk, xx^{s} to the led of the queyr.

Thom Sumer has payit for his fader layr til Andro Gray, kyrk master.

William Chene has payit xiiij^{s} lang by gane, and sal pay to Duncane of Barry, kirkmaster, vj^{s}. The quhilk is payit.

Andro Buchan for hym selff and Jonet his wyff has bocht thar laris in the parish Kirk, and payit the silver thairfor to the rufe of the Kirk, the xx day of Junii the yer etc. lxxxvj yeres. Summa xxx^{s}.

The xx day of Junii Andro Malcomson and Jonet his wyff has payit for thar laris to ly in the Kirk, and giffyn to the ruff of the Kirk xxvj^{s} viij^{d} thairfor.

The xiiij day of Januar the yer of God etc. nynty yeres, Robert Crukschank, baxter, has payt to Johne Sprut, thesaurear of the Kyrk, for his layr and his wyffis in the Kyrk, xxx^{s}.

Johne of Caralis layr is grauntit til hym be the Preuost and Counsall in the Kirk for his bownta of mendyn of the glassyn wyndowis.

TO THE RED OF THE RUFE OF THE NEW ILE.

Thom Williamson, than duelland in the North Fery, has payt xx^{s} for his lair and his wyfis within our Lady Kyrk of Dunde, the quhilk soum is giffyn to the payment for the ruf til the new Ile.

Robert Blyth has payt xx^{s} for his lair and his wyffis Cristiane Johnson, the quhilk silver is gevin til the payment of the rufe of the new Ile.

Patry Carnegy has bocht his layr and his wyfis, Elezabeth of Foulerton, for xx^{s}, the quhilk soum is giffyn to the ruff of the new Ile.

Thom of Seres has payt xx^{s} for his lair and his wyfis, Jonet, in the Kyrk; the soum gevin to the ruf of the new Ile.

Johne Sprut has payt xx^{s} for his lair and his wyfis in the Kyrk; gevin to the ruf of the new Ile.

James Scrymgeour has payt xx^{s} for his lair and his wyfis in the Kirk; gevin to the ruf of the new Ile.

John Lowson has payt xx^{s} for his lair and Elezabeth his wyfis in the Kyrk, the quhilk silver is gevin to the red of the ruf of the new Ile.

James Scrymgeour, Constabil of Dunde, has pait to the kirk master for his lair and his Ladyis xxvj^{s} viij^{d}.

Patre Red, litster, has pait for his lair and Elezabeth his wyfis in the Kirk xx^{s}.

David Olyfer has pait for his lair and Kathrin Monorgond, his wyf, in the Kyrk xx.s

Robert Johnson, barbour, has pait for his lair and his wyf, Jonet Alanson, in the Kirk xxs.

Rechert of Gallouay has pait for his lair and his wyfis, Jonet, in the Kirk xxs.

James Tuly has payit for his lair and Marion, his spous, xxs, in the Kirk.

Wat Reid has payt for his layr and his wyfis, Elezabeth Guthre, xxs to the Kirk werk.

John Rechertson, maltman, has pait for his lair and Emmy Bonar, his wyfis, xxs to the kirkmaster, Dauid Olyfer.

Duncane of Barry has payt for his secunde wyfis layr, his awn layr, and his wyf now last layr, xxs till the Kyrk werk, and the prise defalkyt till hym of thir laris for the gude ald service that he maid till our Lady, the tyme he wes kyrkmaster, be the ordinans of the Constabil Preuost, Alexr Boys the lard of Monorgand, David Wedderburn, and uthers of the Counsall.

Johne Lawson, merchand, has payt for his layr and his wyfis, Jonet Lowson, with the silver that he suld haf had of the uncostis of the poyk of maddyr that wes in pley of David Spaldingis schip, quhilk he gef [t]her for to the kirkmaster and the guid town.

In Novembr, the zer of God etc. nynty and v zeris, James Scrimgeour, Constabill, beande Preuost, mastir David Carale and his wyffis, Elezabeth Dugudis, laris ar payt for to ly in the Kirk, be a sowm of silver that the toune is awand till hym for writtis makyn and his service and labor maid to the gude toun, in a part of that sowm; and the rest of that sowm zit awand till hym.

The ix day of Februar, the zer of nynty and fyfe, David Ramsay of the Fery has assignit the kirkmaster, Johne Anderson, till xxvjs that Thom Mog is awand till hym, til be takyn up til the Kirk werk, and thairfor he sall haf his lair in the Kirk or his wyfis lair, quhilk of tham that deis fyrst, for the said silver.

The zer of God jm iiijc nynty and sex zeris, Will Quhit, elder, burgess of Dunde, has payit to Jhone Andersone, kirkmaster for the tyme, xs gs in Zeland, to by led to mend the allorynen of the Cros

Kirk, for till have his layr and his wyfis within the Kyrk of Dunde quhan tha happyn to decess.

Sexto die Octobris anno etc. nonagesimo sexto, Wat Ellys has pait for his lair and his wyffis in the Kirk of Dunde, becaus he maid the townys tent to serve tham to the Kyngis weris, and gat nane uther payment.

The Preuost and Counsall has grantit til Henry Barry and till Marione of Burn, his wyf, thar laris within the Kirk or queyr of Dunde, quhar thai ples til haff thame, becaus the said Henry gef to the Kyrk werk his fee that pertenit til hym the tyme that he wes kyrkmaster, and a rest of silver that tha aucht till hym.

Will Dog, John Doggis broder, has payt til Johne Anderson, kirkmaster, xx^{s} for his awn layr and his wyfis, quhilk decesit in the tyme, within the Kirk of Dunde.

Tempore Domini Jacobi Scrimgeour, Milites, Constabularii ac Prepositi burgi de Dunde, anno nonagesimo octavo. John Andersonis layr and his wyfis ar payt for to be in the Kyrk of Dunde quhen thai deces, be part of rest of silver that wes awand hym of comptis the tyme he was kyrkmaster thre zeris togidder, and for his gret labor in that office.

The last day of May the zer of nynty and nyne, James Rollok has payt, to by leid to the north Ile, xx^{s} for his lair and his wyfis in the Kyrk or queyr of Dunde, and that is grantit be the Preuost and Counsall the tyme of the bying of the leid fra the Inglismen that brocht in the quhete.

Tempore Domini Jacobi Scrimgeour, Milites, Constabularii ac Prepositi burgi de Dunde, anno quingentesimo primus. The xxj day of November, James Rogh has payit for his layr and his wifis, Katryne Guld, within the Kirk of Dunde, xl^{s}, to be tane up fra Jhone Fendour, and uthir half stane of wax.

Quo die. The Preuost, Balzeis, and Counsall has grantit til Wilzam Aitkyn and til his wif, Katrine Lausone, thair lairis within the Kirk of Dunde, for his fynance and trawell making of the town erandis to Byrges in Flanderis upon his awyn expens.

Tempore Henric Anderson, magistri fabrice Ecclesie de Dunde, anno quingentesimo tercio, mense Novembris. Robert Ellys has payt

xiiij^{s} for his layr in the Kyrk of Dunde, and to pay for his menyng quhen the tyme cumis as use is.

Tempore nobilitis et potentis Domini, Alexandri, Comitis Craufurdie, Prepositi de Dunde, anno Domini millesimo quingentesimo decimo quarto. Johne Ferny has pait for his lair and for his wifis lair, Agnes Peteris, for his gud service done and for to be done till our Lady wark.

James Kynloch has pait for his layr and his wif, Agnes Reid, in tymmyr gevyn till our Lady.

Tempore Jacobi Rollok, Prepositi de Dunde, xxiiij^{o} Maij anno Domini millesimo quingentesimo xvj^{o}. David Aldcorne has pait to the kirkmaster xxiiij^{s} for his layr and Cristiane Brownis, his wifis, in the Kirk of Dunde.

Elspat Monorgund, the relict of umquhill Sym of Barry, has pait x^{s} for hir lair in the said Kirk of Dunde to the kirkmaster.

The Preuost, Bailzeis, and Counsall has grantit to Robert Seres, eldar, and Robert Seres, zongar, thair servandis, commone clerkis of Dunde, thar laris in the Kirk of Dunde, for thar service done and to be done, with the bellis ringing for thame fre.

GIFTS BY GEORGE OF SPALDING TO THE CHURCH.

The Indenture, No. 43 in Burgh Charter Chest, has been already printed in the "Registrum Ep. Brechinensis," II. 316. It is, however, so interesting an addition to the "Book of the Church," that I have not hesitated in reproducing it. The original is much injured at different places, but, on reading it carefully, I have been able to decipher a number of additional words and to fill up several blanks.

"Thyr indenturis maid at Dunde the zer etc. beris witnessing that George of Spalding, burgess of Dunde, of gud mynd and deuocioune, has purly and symply but ony reuocatione frely gywyn, and, be the tenor of thyr indenturis, gywys and grantis, in the honour and lowing of God Almychty and of hys moder the blissyt wirgine

Maria and all the sanctis of Hewyn, to the Preuost, Bailzeis, Consall, and Communite of the burgh of Dunde till anorne and honour owr Lady Kirk of the said burgh, thir thingis efter followand: that is to say, ane ewcaryst of silver owr gylt, ane gryt bell, ane silver chalyss owr gylt, ane new mess buyk, ane new war stall to keyp the vestiamentis of the hye altar in till, ane gryt kyst, and twenty schillingis of annual-rent, in forme and maner as eftir followis: that is to say, that na persone, spirituall nor temporall, of hye degre nor law degre, sal haf power till mak ony clame or titill of clame to the keping or hafing of the forsaid thingis, na till appropyr na profyt till thame na till ony of thame for lane or uss of thyr forsaid thingis, na to be kepyt nor preserwyt in tyme to cum bot be the saidis Preuost, Bailzeis, Consall, and Communite; the quhilk buyk and chalyss to serwe the Lady preyst of the forsaid Kirk that beis for the tyme daily at the Lady mess at the [hye] altar of the said Kirk. And the saidis Preuost, Bailzeis, Consall, and Communite of the said burgh has grantyt, for thaim and thar sucessouris, to the said George for hys gud wyll and mynd, [and bound] and oblist thaim that the Lady preyst, that beis for the tyme perpetualy befor the [altar at the] Lady mess daily, sall exort all the pepill beand thar to pray for the said George [hys saw]ll, hys wyf, and for thar ante[cessou]ris and sucessouris, and till haf the sawlis of memento; and, eftir the Lady mess daily, to pass in the albys to the grayf of [the said George] and his wyf, and say the psalmys De profundis and Miserere mei Deus, uss is, and to kast haly watter on thar grawys. Atour, tha oblyss thaim to [cause the] obbytis to be done zerly for the said George and hys wyf, thar antecessouris and su[cessouris], within the quer of the said Kirk, with all the ebdomidarys of the said quer, with all the diregeis and torchys at the sawll mess in honest wyss, and to gar ring thar twa gryt bellis of the Kirk, and the hand bell throw the towne as efferis. And thar obbytis ane zerly to be done on the morne eftir the feyst of the Assumpcione of owr Lady, and the tother upone the day of the said Georgis decess as it cumys abowt; and to begyn the obbytis for the said Georgis fader sawll and moderis on the morne eftir the Assumpcione of owr Lady nixt followand the dayt of thir lettres, and to continew quhill the tyme of the [decess of] the

said George and hys wyf, and fra thine furth perpetualy. Heratour the saidis Preuost, Bailzeis, Consall, and Communite grantis and gywys frely, be the tenor of thir indenturis, to the said George and hys wyf and to thar sucessouris thar larys in the quer of the said Kirk under the farrast gree befor the hye altar, quhar the pystill is singyn of the hye mess, for the cawss forsaide; and takis upoune thaim till cawss all the forsaidis thingis to be obserwyt, fulfillyt, and kepyt perpetualy, as tha will ansuer till the hyest juge on the day of dome. In wytness of the quhilk thing, to the part of thyr indenturis remanand with the said George and hys sucessouris, the comone seyll of the forsaid burgh is appensyt, and to the part of the samyn indenturis remanand wyth the saidis Preuost, Bailzeis, Consall, and Communite, the said Georgis seyll is appensyt the sext day of September the zer of God a thowsand fowr hundreth nynty and fyfe zeris."

THE ENGLISH OCCUPATION OF THE TOWN IN 1547-8.

Since the early part of this volume went to press, I have obtained from original sources interesting particulars regarding the English occupation of the town in 1547-8, described in pp. 25-28. From the "Calendar of State Papers, Scottish Series, 1509-1589," we learn that Broughty Castle was surrendered to the ships of Protector Somerset, in September 1547, shortly after the battle of Pinkie, by Henry Durham, brother to Doctor Durham and renter of the great customs of Dundee, who held it under Lord Gray. The English, whose expedition was encouraged by a number of treacherous Scottish nobles, professed that they had come on behalf of the Reformation, and Sir Andrew Dudley, who commanded the garrison which was placed in the Castle, alleged that if it were not for fear of the great men and the priests the people would be glad to submit to King Edward, that overtures had been received from diverse gentlemen that fear the word of God, and that there was much desire in Angus and Fife to have a good preacher,

and bibles and testaments and other good English books of Tyndale and Frith's translation. The invaders having strengthened themselves, they remained in undisturbed possession of Broughty Craig until the middle of November, when the Earl of Argyle, a man neither trustworthy nor patriotic, was sent by Regent Arran with a considerable force against them. But an assault which he made upon the Castle having been repulsed, he retired beyond Perth, evidently instigated thereto by Lord Gray, who had embraced the Reformation and the English interest, and was using his territorial influence to induce the Dundee burgesses to let the enemy have possession of their town—against which, after the retreat of the army, they could hardly have offered effective resistance. Thomas Wyndham, who commanded the English ships in the river, saw the advantage which this occupation would give the invaders; and, having reconnoitred the town, he reported to Somerset that were he in possession of it with a garrison he would be able to keep it against all Scotland, and further said that while he waited for instructions regarding Dundee, he trusted to suppress an abbey or two.

The extracts of letters from the English leaders to Protector Somerset, which now follow, are transcribed from the original documents in the London Record Office—Scotland—Edw. VI. I have, however, modernised the spelling.

On 22d December Admiral Wyndham writes from "on the bark Agar in the Tay"—"The 20 day of December Sir Andrew Dudley and I, with the rest of the captains, were appointed to come to Dundee with the ships of war riding before it. As we did. And your Grace's proclamation, with certain things added to it in the end, according to the copy sent to your Grace, was proclaimed openly in the market place, and blown by trumpet; and the Lord Gray, with the heads of the town being then present, [we] received their oaths for the performance of the same. . . . . They putting their whole trust to the Lord Gray, I think chiefly for fear of the Governor, [Arran,] and others of his affinity, destroying of them when we be absent with the ships; for the Castle is able to give them small aid, it is so far off. If it be your Grace's pleasure that [the town] may be speedily fortified and your subjects in it, then this assurance may be good, otherwise the

compulsion of the country may hinder the hearts much of the others, if upon this assurance they should not be defended."

Immediately after this there came reports of a great force coming out of France to convey the young Queen there, and to besiege Broughty Castle, likewise of Argyle, "with great power of Scots," returning to attack the invaders; and then, before the commanders could receive any reply to their application for reinforcements, or Lord Gray could be answered "of munition and money for the safeguard of the town and the King's friends there," Wyndham received orders from the Protector for removing the ships home during the winter season. The position of affairs alarmed Sir Andrew Dudley, and on 27th December he writes from Broughty Craig, protesting that "my Lord Gray, the town of Dundee, and all the noble men and gentle men that hath taken assurance of me are like to be overrun and destroyed, and I not able to help them. Wherefore, if it were your Grace's pleasure, I beseech you rather to discharge me of the house [Broughty Castle] than I should dishonour the King's Majesty and your Grace. Also my poor honesty shall be stained in suffering them to be destroyed that hath taken assurance of me, being now [as] quiet in Dundee and Angus as I would [be] in any place in England, the which will not be so long if the strength be taken away from me, by the which also I shall lose my credit amongst all Scots men. . . . . Here is plenty of victuals in this country and good cheap. If the King's Majesty would send a garrison to Dundee to fortify the same, I think his Majesty might victual his ships and army better [in it] than in any place else about the north of Scotland that I know. It is one of the goodliest rivers that ever I saw, and the ships may ride as well here as they would in the Thames, and better; and is one of the plentifulist rivers of fish as ever I saw, both salmon, porpus, seal, herring, and other kind of fish. . . . . The Earl of Argyle is come to Saint Johnstones with a great company of highland men and other, thinking to do me displeasure and destroy Dundee and the country that hath taken assurance of me. The town hath desired aid of me, and help to fortify them, the which I do as much as I can. The Lord Gray with diverse other Lords and gentle men be come to lie in Dundee for the strength of the same."

On the same day the Admiral writes remonstrating against the order for the removal of the Agar and the Maryhanborow, as the Tay is a safe river, and reporting that the enemy have been making much threatening, and are daily looked for in a great number to come and spoil the Lord Gray's house. "Wherefore he with his wife and the rest of his friends kept their Christmas [without] longer continuance. . . . . They have desired Mr. John [Lutterell's] device for the trenching of their town by the [north] side, and much desireth that your Grace's subjects might be placed in the town to defend the enemies. In the town is diverse places meet for forts, if it pleased your Grace to have them made, and they will gladly put their helping hands to it, and offered to deliver the Steeple, where may be placed two demiculverins which may bott[1] round a bout all the town, and not only the Steeple, but that and any other that shall be thought meetest. They daily desire that [the town] might be fortified, and your Grace's subjects in it, wherefore I, tendering the King's Highness and your Grace's honour [to] this noble man with the others trusting wholly to your Grace's assurance, think it not meet to diminish any part of your Grace's strength in these parts till further of your pleasure [be] known, for so much as by the date of your letter the assurance of this town was unknown to your Grace. If these two ships should depart upon this sudden, it were great comfort [to] the enemies, and a great occasion to cause them sooner to set upon [the town.]" On 3d January 1547-8, Dudley writes—"We are fortifying of Dundee as fast as we can. We lack but men and money here, which having we might do wonders. The Earl of Argyle is come to Saint Johnstones, and gathers daily, thinking to make himself very strong with ordnance and men to lay siege to me again, and looks for great aid out of France, some saith they be come already, and some saith they be coming. . . . . There might be three or four hundred horsemen here, they should do much good."

While the Admiral "tarried an answer" about sending home the ships, he was using them to some purpose. On the river, at Balmerino, he had a skirmish with the enemy and destroyed the Abbey. He burned a nunnery within two miles of St. Johnston, and brought away

[1] ? Shoot. The position for these guns would be the platform under the lantern.

all the nuns and many gentlemen's daughters who had been there. Off the coast, he captured a merchant ship coming out of Flanders for Leith with a rich cargo. And then he sent a boat with sixty men on shore, and they brought two hundred sheep and a great number of cattle to the water side, although they could not carry them away, and might have burned much corn, "But," he writes, "I will not burn till I know what you will do with Dundee, for if there should come any soldiers thither much of the corn and cattle would be carried to it, which would be a great help for victualing the town; and this known, I am ready to give the sword and fire; and inform your Grace that the heart of the Scots is gone, and now, with a little power, your Grace shall do them much hurt, for it grieveth them much this winter war. . . . . I have planted the Steeple of Dundee, by the advice of Sir Andrew Dudley and my Lord Gray, with a saker, and a falcon, and four double basys,[1] with hagbuts of croke,[2] and twenty tall men, and victual [for] them for a month. And I myself with as many as I may, the ships being for my side, will keep the town till your pleasure be farther known."

But the leading inhabitants, who had compromised themselves with the English alliance, had become alarmed at the consequences which might follow, and by another week the Admiral was less boastful. On the 21st January he writes—"Pleaseth it your most honourable good Grace, the 20 of this present month your Grace's letters I received, the last being date the 7 of this present. And whereas, your Grace being advertised of our placing in Dundee, it was at that time thought by the Lord Gray, Andrew Dudley, and I that for your Grace's payment you should have lacked neither help of this country men neither other kinds of aid, the men of the town at that time in letters promising [and] by their oaths, whereas they now, seeing the great power that the Earl of Argyle hath and our power so small, without any aid come to us in so long time, causeth that they are wholly gone out of the town, many with sorrowful heart, saving four or five honest men remaineth in great jeopardy; and one faithful man, paying by yearly rent better than forty pounds sterling, hath forsaken it all and come with his wife and children in to our ship for succour. His name

[1] Long cannon. [2] These would probably be suspended by chains or crooks.

is Thomas Steward. . . . . These are true faithful men, and saith they will hold their oaths to the King's Majesty to the end of their life. And whereas the Lord Gray thought always him self assured for the number of eight hundred men, through the fear of the great power of the enemies they have wholly forsaken him, so that he is in very ill case if our greater power comes not in time. And whereas your Grace's pleasure was that the Lord Gray should entertain five hundred Scots men in wages, they are not to be trusted; for my Lord Grey [of] Wilton sent hither four Scots who came from your Grace, and two of them is now ran away. They are not to be trusted for men of war to serve his Majesty. And they have much knowledge out of England by spies; for we thought your Grace, upon the knowledge given by Andrew Mydygat, would have caused a great power to come hither, and the Scots have knowledge of the contrary. The sight of eight good ships in time would have brought these parties wholly out of the peradventure, whereas now the power of the enemies and our small number in sight is the chiefest occasion of their swerving. And whereas there was certain honest men in the town, with the advice of the Lord Gray, went to Saint Johnston and spake with the Earl of Argyle; who reputed them as very traitors. They, desiring to be heard patiently, made answer that they had sworn to nothing but only to the performance of the oaths and promises of all the nobles of Scotland in the Parliament House of Edinburgh. And whereas he informed them that they were maintainers of the Englishmen whose coming was to conquer the whole realm; they answered him, they knew that we came not for no such purpose, but only our request was, with gentleness, the performance of your Grace's godly purpose and the fulfilling of their own promises, without any further occasion of bloodshedding. And the Earl's request to them was to speak with one of us. And the Lord Gray, Andrew Dudley, and I, with four of the best men of the town, reasoned of it and agreed that, upon the Earl's leful safe conduct, I [should] ride to him to Saint Johnston. And at the Brig end without the town I met about one hundred hagbutters, of the simplest men that ever I saw, and immediately followed out of the town the Earl of Argyle, the Abbot of Saint Cowpers with four Scottish Lords, and after them about fifty French-

men on horseback, in complete harness, with white baldricks, and morions on their heads, with hagbuts in their hands, bragging to and fro as they had been conquerors of all the world. The Earl at our meeting embraced me, and declared to me that we were here as conquerors. I answered him, 'Not so, but I came to have their own promises fulfilled, and for them that would not be aiders to [these] to take them as enemies.' He answered, 'That [is] not so, for why held we then Broughty Craig Castle of force from them?' And I answered him, 'If they truly would have complied [with] their own promise, neither the Castle nor no other place had been disturbed; and as concerning Dundee, Sir Andrew Dudley and I, upon the oaths of the Provost and other burgesses of the town for that they should be true maintainers of the foresaid promise, [agreed] to stand in defiance of all them that should be against it, and upon your coming they are fled the town with their goods, and hath left but the bare walls, which I intend not to defend.' Then the Earl would have had delivered the Steeple and ordnance of the town to them again, and the town to be neuter for both parties. And I required of him if he would retire with his power and not come that way. And he answered he would not retire, and said it was not reasonable to forbid him the coming to their own town; and said, although we come under the pretence of godliness, it was not by God's word to take away our neighbours' goods perforce; and would very fain have had the Steeple and the ordnance delivered. [But] I told him plainly I would not so deliver it, and said to him that if the town's men would have complied [with] their promise, he should well have known Dundee or he had entered in to it. And so departed. [Wyndham then proceeds to say that on returning to the town, he, with Lord Gray and Dudley,] thought it meet to have all the town's ordnance in to the ships. And so we did; and fired the Steeple,[1] and burned all the idols [ydolls] in the Church; and the Lord Gray's request was that we should burn no part of the town, for he should then have lost his whole credit of the country. . . . . If I had now five hundred men for the town, I would not have doubted to have kept it in face of all Scotland; and, [if] I had your Grace's commission, I would have died in it or it should have been given over. . . . . A

[1] The superstructure had then been irretrievably injured.

great number of the enemies are come to Dundee, and I am certified there departed twelve pieces ordnance out of Saint Johnston upon Friday, whereof there is four cannons, and this night be here; and their whole number is about six thousand tag 'and rag [tag and rage.] I trust in God they shall have small cheer of their coming. [Some days later he continues his letter.] Next day I went on land [alond] on Fife side with two hundred men and burned Scots Craig, [Skotysh Crage,] and two mile in the lands and more than three mile compass. The value of corn and houses was much more than the money received by the Earl of Argyle from the French King, which was two thousand five hundred crowns. [The same day] the Earl with his companions marched forth of Dundee to Broughty Craig."

On the 22d January Sir Andrew Dudley writes from Broughty—"The Earl of Argyle was desirous to commune with me or some of my company, and to send assurance for the same, at the which time I sent Mr. Wyndham, with a nother captain of one of the ships, for that he was desirous to go view the town of Saint Johnston and his army. The Earl would not suffer Mr. Wyndham nor none of his company to come in to the town, but met him at a chapel without the town; where the Earl demanded to have the town of Dundee to be left by us, and to stand as it did before, or else that he would put it to the fire and sword, and that he would lay siege to Broughty Craig. Mr. Wyndham made him answer that if they of Dundee had kept their oaths and promises, the town should have been kept well enough from his fire and sword; but, seeing they were all run out of the town, it should be made bare enough to him. Mr. Wyndham hath all the ordnance of the town, the bells, and all the copper and brass that was in the Church, and brent the Steeple, but the town is unbrent, trusting to have it again if we might have any support from your Grace. The Lord Gray was gone a fore your Grace's letters came. I think he hath made his appointment with the Earl of Argyle, who is come to Dundee with three or four thousand men, and four cannons, and two culverins, with diverse other pieces of brass. The Earl and the French men maketh great brags, and putteth no doubt to win Broughty within six hours." Their attack upon the Castle was, however, as unsuccessful as the previous one had been. Although the French auxiliaries were sneered at for

their bluster, the Admiral himself admits that they behaved well in the fight, "giving the onset very bravely, their chiefest captain being slain, and one of them shot through the arm."

On 30th January Lord Grey of Wilton writes from Newcastle—"Having by my espials received intelligence how the town of Dundee was abandoned by our men and left to the Earl of Argyle, I would not credit the same until I had further advertisement. And this night at one of the clock after midnight [I] received from my cousin Dudley that it [is] true, as, by his letters, which I send unto your Grace herewith enclosed, your Grace may further perceive; also, how that without approach of the enemy they left it. Your Grace shall understand also by the same letters what discord is presently between my cousin Dudley and Wyndham, wherein I beseech your Grace that it be not to the hinderance of the King's Majesty's service. Ye may please to direct to either of them their duties, and that Thome, [?Sir Thomas Palmer,] according to reason, may be authorised as chief. And thereof I wrote unto them before, but perceiving it still continueth, I desire the aid of your Grace for the redress thereof. [He then says that he has appointed two ships equipped with soldiers, pikes, and bows, to proceed to the relief of Broughty, for which he had to borrow money.] Wherefore, eftsoons and again most humbly, I beseech your Grace that such a mass of money may be sent hither as shall be thought by your Grace convenient, and that, for want and sparing of treasure, service be not left undone. For, if these men had been sent when I first levied them, there had been now for Dundee no excuse to be [abandoned]."

Argyle departed from Broughty and Dundee in the first week of February, after having been "spoken with" by Lord Gray, who had received a thousand crowns to give him in part of reward "to agree unto peace, and to the King of England's godly purpose of marriage" with the young Queen, and had found "his mind awfully given to the same;" and also disposed to resign "his command in these parts to Lord Gray" himself. A month later, Dudley writes that an emmisary from Somerset had been with the Earl, and trusts "that his Grace shall have him, if a Scots man may be trusted." Although there was little patriotism among the leading men in Scotland during the infancy of

the Queen, this disgraceful conduct had been made the subject of comment. Sir Thomas Palmer writes that at St. Johnston, Argyle adverted to a current rumour that he had received the King of England's money, and said, "But I shall prove myself truer than a great many of them that say so. . . . . And I shall prove ye that."

After the Scots army had left the town, Somerset's pleasure was desired as to fortifying some citadel there, and he appointed John Lutterell, as Governor of Dundee in case it be fortified, to give his opinion upon its tenable position. On 6th March, Lutterell writes—"Where as your Grace hath minded the fortification of Dundee, whereof your Grace, if the thing took place, committed the charge unto me, I can no less but, according to my bounden duty, render unto your Grace my most humble thanks. I have been at Dundee with Sir Thomas Palmer to view the situation of the same; and, as we yet take it, there can be no perfect fortification or citadel cut out but that it will require at least six hundred men to keep the same, by reason of three mounts that stands within the town, which are of like distance asunder [and] almost of equal height, unto whom every part of the town and water is subject; and are of such bravery that, if the thing were raised by the hand of man as it appeareth to be natural, I judge could neither be of more force nor raised in more commodious place.[1] Howbeit, I do this present day go thither with Sir Thomas again, who intendeth to see whether sufficient forts may be raised only upon those mounts, to keep the town in sufficient subjection by their wall of sufficient strength; so that the thing might less charge the King's Majesty, and as might serve to the purpose. Wherein, as he may best resolve, your Grace may have advertisement. And in the mean time, I shall here endeavour myself the best I may to aid Mr. Dudley in all his and other the King's Majesty's affairs." Sir Thomas Palmer at the same time writes—"This town being fortified in our hands were of no less importance, in my conceit, than the stay of Angus and Fife, considering what continual war such a garrison as might be placed there were able to make thence, and [how] little these are able to resist."

"Mr. Henry Durham, Scottishman," who had traitorously sur-

[1] These were the Corbie Hill, the eminence north of the Market Gait, and the Castle Hill

rendered Broughty Castle to the English, thinking he should be rewarded for that service, sent a petition to the Protector, wherein he says that "for the good mind and favour I bare both unto the true setting forth and knowledge of the gospel, and unto the King's Majesty of England, I am not only exiled from my native country, wife, children, and friends, inheritance, and other moveable goods, but also of late days being Captain of the Castle of Broughty in Scotland—having therewith, by lease of my Lord Gray, the fort with the fishing there during my life, which was worth yearly unto me one hundred merks sterling over and above the rent of fifty merks sterling payed unto the said Lord Gray; and also [having] a lease of Mr. John Lesly, brother to the Earl of Rothes, servant to the King's Majesty of England, which was yearly unto me worth fifty pounds sterling over and beside twenty-five pounds yearly payed unto the said John Lesly; and also a farm of the laird of Basse, worth yearly to me, above the rent, twenty pounds sterling; with the office of the great custom of Dundee, whereby I had not a little profit yearly—I have surrendered the said Castle of Broughty to the King's Majesty's behoof, and also have lost all such revenues and profits as is above rehearsed, (as my Lord Clinton and Sir Andrew Dudley will testify before your Grace,) hoping constantly to receive recompense of the same at the King's Majesty's and your Grace's hands. In consideration whereof, I shall most earnestly beseech your noble Grace of your abundant goodness to accept me to be the King's Majesty's servant and yours—supporting me with some competent living. . . . . Thus desiring your Grace to remember how ye sent me word by my Lord Clinton, Sir Andrew Dudley, and my brother, Doctor Durham, I being in the said Castle of Broughty before I did surrender the same, that I should be no loser neither of my inheritance nor any other things which I occupied." Durham further adds by way of postscript—"Beside this, delivereth to my Lord Clinton eight last of salmon, and to Sir Andrew Dudley, for furnishing of the King's house, one last of salmon."

The English could not have made much progress with the construction of the proposed fortifications in the town, as they were closely engaged in strengthening their position at the river mouth, the reduction of which was again attempted by another army in June.

In November they finally abandoned their intention of occupying Dundee; and, after destroying the works they had constructed, they burned the houses and shipped off the spoil. They were not, however, dislodged from Broughty Castle until more than a year thereafter.

MISSAL LEAVES AND OLD WRITINGS IN BOOK COVERS.

In the burgh charter room there are a number of protocol books, containing the drafts of instruments made by the town clerks and the other notaries, which, when they had been filled up, were deposited there for preservation. Three of these, which had been written about the period of the Reformation, were bound in covers not made of ordinary boards, but of a number of leaves pasted together and protected by leather. The damp having loosened the attachment of some of the leaves, it could be seen that they were printed in old letter, and bore antique musical characters formed of square notes placed upon a staff of four red lines. An inspection of them convinced me that they were probably portions of the old service books which belonged to St. Mary's Church, and, for this reason, and because of the value which is attached to any early specimens of typographic art, I was anxious to have them thoroughly examined. The town clerk was naturally unwilling that the books should be interfered with, but, upon my representation, and the concurrence of Provost Moncur having been obtained, he placed them in my hands for examination. I accordingly had the leaves carefully separated from the adhesion in which they had been held for more than three centuries, and found them to be so interesting and important that I sent them to Mr. William Blades, the distinguished author of "The Life and Typography of William Caxton," for his inspection and consideration. Mr. Blades is peculiarly fitted for judging in such a matter, he himself having made a rare find within the covers of a book in St. Albans' old library of leaves printed by Caxton, some of which he was able to identify as

unique fragments of hitherto unknown works; and his studies have led him to make careful researches regarding the early productions of the printing press. He at once took a warm interest in these missal leaves, and, after careful consideration, has favoured me with a valuable report upon them—premising that his friends, Mr. R. E. Graves and Mr. H. Jenner, the latter of whom is considered a great authority in all early printed liturgies, have assisted him throughout his inquiries. I have pleasure in subjoining part of his report:—

"Printed Fragments.—The bulk of these fragments are of great interest. They belong to early-printed service-books of Salisbury Use, all of which are extremely rare. At the period when they were used for binding purposes the volumes were probably whole, but, being service-books of the Romish Church, were, as was usual, devoted to destruction. It may be remarked that the Sarum Use was in favour far beyond the Diocese of Salisbury.

"The custom of using waste sheets of printed books, and indeed whole volumes of obsolete works, as boards for binding by pasting them together was very common to all the old printers, who, as a rule, were binders as well as printers, and utilised their waste in this manner. It has been of great use to the modern bibliophile, who has found in numerous instances information and evidences of the greatest use in bibliography.

"Taking the fragments in the order of their interest, we find—

"I. Sarum Gradual.—There are twenty-four fragments, which are all folio leaves cut in half. When put together they form, curiously enough, twelve complete leaves, of which this is a list: Sigs. l j, l ij, l 7, l 8; p j, p ij, p iij, p iiij; b iij, b iiij, b 5, b 6. The book, of which these once formed a part, was a magnificent folio printed in black and red ink. There is fortunately a fine and perfect copy in the British Museum, from which the following particulars are taken, but it is a book of extreme rarity. The title is within a woodcut border of very heathenish design, representing a Harpy, beneath whom is Cupid with bandaged eyes, treading on a winged world, and shooting an arrow into the air. At top as well as at foot, amid the scrollwork, is this motto: "Fortuna opes auferre non animū potest." The text is:—"Graduale ad vsū ecclesie Sarisburiensis. . . . . Parisijs excusū,

M.D. XXXij. Venundatur Londinij apud Robertum Redman, Et Parisijs apud Franciscum Regnault."

"Taking title and imprint together, we see that the actual printer was Nic. Prevost, of Paris, who was employed by Robert Redman, printer, London, and Fras. Regnault, printer, Paris.

"These fragments are in every way identical with the British Museum copy.

"II. SARUM MISSAL.—The fragments are ten complete folios, ten or twelve torn and rotten leaves, pasted together, and a number of strips. They belong to "Missale ad usum Ecclesie Sarisburiensis;" large folio. Printed at Venice by Hertzog, 1494.

"The various editions of the Salisbury Missal were very numerous. Lownds quotes over seventy in a variety of places. The edition to which these fragments belong is one of extreme rarity. As the only copy known is inaccessible, it is impossible to say for a certainty that these fragments are positively the 1494 edition, although I have no doubt of it. There are two Venice-printed editions of the Sarum Missal in the British Museum, but neither is at all like this. Hertzog printed also a small edition of this Missal the same year at Venice. The earliest English-printed edition was by Wynken de Worde at Westminster in 1500, a copy of which is in the Bodleian.

"III. ROMAN BREVIARY.—Nineteen leaves of a quarto edition, in a small Gothic letter, with some rude cuts. This Breviary was probably printed for English use, but where and by what printer is not yet discovered. It is adapted for the use of the Augustians and Franciscans.

"IV. Eight leaves of a fifteenth century manuscript on Ecclesiastical Law. Probably a commentary and reference book, but not recognised by the authorities who have seen it as part of any known work. Some of the headings of chapters are:—"Rubrica de officio vicarij Romana ecclĩã;" "Quamvis super;" "Presenti prohibe?;" "Si super gracia;" "Deliberationi;" Rubrica de officio ordi^{rij};" "Romana ecclesia;" "Collacio bñficij." The paper is very coarse in grain, and has a peculiar water-mark very seldom seen, viz., a rose just opening with stalk and two leaves on each side. The leaves may perhaps belong to "Conclusiones sive decisiones antique dominore auditore de Rota."

"V. Three vellum slips cut from a manuscript Kalendar belonging to a fifteenth century service-book, being parts of January, February, March, and April. Probably for Scottish use, as St. Kentigern is mentioned.

"VI. The parchment cover from which apparently the leaves of the Breviary were extracted. The MS. is part of some religious work, but the one side of it is very dirty, and the writing is generally indistinct."

The fragments I. and IV. were in the covers of the protocol book of Thomas Irland, dated from 1535 to 1572, and II. and V. were in another book of his, dated from 1566 to 1575. Mixed among the remains of the Sarum missal, there were some written leaves which are not without interest. One is a charge in the name of Mary, Queen of Scots, to James Haliburton, tutor of Pitcur, Provost of Dundee, and the other magistrates, calling on them to compear before her Council to answer at the instance of James, Duke of Chatelherault and Earl of Arran, Governor of the kingdom, and to produce their decree and "rolment" regarding the redemption of a house in "Fleukargait." Another writing is a lengthy complaint made to the "Lords Provest and Balleis" by John Spens, merchant, against John Browne, schipper, also designated John Schipper, to the effect that having, in 1566, chartered part of the tonnage of Browne's ship to carry eighty-four barrels of herrings from the "Wink of Craill," twenty-six of them were outshipped; and narrating how thereafter the vessel, having the owners of the cargo on board, sailed to Dieppe where he, the pursuer, made no market, then to Hull where he sold his herrings at "sixteen shillings English ilk barrel," and could have sold all the others at the same price, and from thence to Bordeaux where the rest of the merchants traded, and he might have "warrat" the money which he did not get into French currency and turned "ilk franck into twenty shillings Scots by just change of merchandise, as uther neighbours gat hamewart;" all which profit he lost by those herrings having been left on shore, and therefore he sued the shipman for remeid. A third leaf contains the petition of Janet Alexander, sister to the deceased Andrew Alexander, cooper, desiring the magistrates to put her in possession of

the goods which belonged to him. The inventory, which is appended, gives an interesting glimpse into the interior of a Dundee craftsman's house in the sixteenth century :—

"His best furnest bed, altogidder with the trein wark therof, price x merks ourheid. Item, ane gret Danskyn kyst, price xx^{s}. Item, ane compter, price xl^{s}. Item, all and haill his clething, lik as ane blak bannat lynnit with velvat, ane doublet of canvas, ane russat cott, ane par of hors hosing, and ane russat clok. Item, ane halbart. Item, fowr brassin pottis, therof twa pertening till hir. Item, fowr pewder playtis, therof twa. . . . . Item, twa pannis. Item, v pewder disches. Item, thre tyne quartis, with ane tyne poynt. Item, ane gyrdell. Item, ane chandiller. Item, the growyth of his akyr of land, bair and ettis, extendand to his pairt xvij firlots and half firlot of bayr, extendand in ettis till his pairt fowr bollis and half ane boll, [and] ane barell of beiff and ane halff. Item, in wark lumys in his buith; four ethis, ane hand saw, four hand knyffis, thre yrne gyrdis, ane stowp gyrd. Item, viij skeyllis. Item, twa stokis. Item, turning lumys. Item, ane thowsand gyrd stringis. Item, ane hunder knappat and ane halff."

The leaves of the small quarto Breviary (III.) were contained within the covers of the protocol book of "Alexander Maxwell, clerk of the Diocese of St. Andrews, by apostolic authority notary, and by the Lords of Council admitted" previous to 1555. Before he had occasion to collect his drafts of instruments, the Reformation came; and, having somehow obtained possession of this book of church offices, he put a number of its leaves together and covered them with a durable skin of parchment, (VI.) neatly written within and without and studded with carmine initials, the loving work of some patient monkish scribe, and so made up the boards of his book. The Brievary leaves had, however, been reckoned very objectionable because of curious engravings upon them representing such subjects as the Day of Pentecost, the Martyrdom of St. Lawrence, the Evangelists, and the Pope; and Alexander, having no doubt been somewhat exercised at making his covers out of this idolatrous material, has tried to neutralise it by pasting up amongst the others four leaves, written over with notes taken from a sermon by the first minister ordained in the burgh after

the Reformation, regarding the security and triumph of the Church, superscribed, "[The words of] my maister, Willem Crystesone, minister of the treu word of God in Dunde. Andro Gray, with my hand at this present tyme."

Having thus got his book completed, the notary had probably been dissatisfied with the writing upon the cover, which he had not tried to efface; so, as a corrective for this, he has inscribed the fly-leaves with extracts from Sir David Lindsay's satirical poems, then being used with trenchant effect against the corruptions of the old Church; quoting chiefly from "The Exclamation against Idolatry," his railings at "Our dum doctors of divinitie," who, having no pity upon poor transgressors, are ready to cry out in unison, "Fy, gar cast your faltour in the fyre"—merciless men, whom he exhorts to amendment in the coarse language of scathing invective which often characterises his writings—

> "I speik to you, auld bosses of perdition,
> Return in tyme or ye ryne to rewyn."

Alexander, however, closes his quotations with the better words of the Lyon King—

> "O Lord, I mak thee supplication,
> Support our fayth, our hope, our charitie."

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